

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

**ORDER NO. R8-2002-0011  
NPDES NO. CAS 618033**

**WASTE DISCHARGE REQUIREMENTS**

**FOR  
THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE  
COUNTY OF RIVERSIDE, AND THE INCORPORATED CITIES OF RIVERSIDE COUNTY  
WITHIN THE SANTA ANA REGION  
AREAWIDE URBAN RUNOFF**

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter the "Regional Board") finds that:

1. On August 30, 2000, the Riverside County Flood Control and Water Conservation District (hereinafter referred to as "RCFC&WCD" or "Principal Permittee", as context indicates), in cooperation with the County of Riverside, (the "County") and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto (hereinafter with the County, collectively referred to as the "Co-Permittees", and collectively with the Principal Permittee, the "Permittees"), jointly submitted a National Pollutant Discharge Elimination System (NPDES) Application No. CAS 618033, a Report of Waste Discharge (the "ROWD"), to renew the municipal separate storm sewer system ("MS4") NPDES permit for the Santa Ana River Watershed (the "Region") within Riverside County (the "Order") dealing with urban storm water runoff (hereinafter as defined and qualified in Findings 13 and 14, below, "Urban Runoff") in the "Permit Area" that includes the "Urban Area" as shown in Appendix 1 and those portions of "Agriculture" and "Open Space" as shown on Appendix 1 that convert to industrial, commercial or residential use during the term of this Order. To more effectively carry out the requirements of this Order, the Permittees have agreed that the RCFC&WCD will continue as the Principal Permittee and the County and the incorporated cities will continue as the Co-Permittees.
2. On February 16, 1999, the City of Murrieta annexed 1,124 acres, increasing the land area of the City to 18,273 acres. Of the acreage annexed, approximately 375 acres (or 2% of the City's land area) was in the unincorporated area of Riverside County within the Region. The Regional Board's construction database shows that approximately 247 acres out of 375 acres are proposed for development based on Notice of Intent ("NOI") submittals. The City of Murrieta has expressed its intent to be a Co-Permittee in this Order and for the purposes of this Order shall be considered as such.
3. On July 13, 1990, the Regional Board adopted the original Riverside County regional MS4 permit, Order No. 90-104 (NPDES No. CA 8000192), for Urban Runoff from areas in Riverside County within the Permit Area. On March 8, 1996, the Regional Board renewed Order No. 90-104 by adopting the second regional MS4 permit, Order No. 96-30, (NPDES No. CAS618033). Order No. 96-30 expired on March 1, 2001, and on March 2, 2001; Order No. 96-30 was administratively extended in accordance with 40CFR Part 122.6 and Title 23, Division 3, Chapter 9, Section 2235.4 of the California Code of Regulations.

October 25, 2002

4. This Order renews Order No. 96-30 (NPDES No. CAS618033), and regulates discharges of Urban Runoff from MS4s within Riverside County under the jurisdiction of and/or maintenance responsibility of the Permittees. This Order is intended to regulate the discharge of “pollutants” (as defined in Appendix 4, Glossary) in Urban Runoff from anthropogenic (generated from non-agricultural human activities) sources under the control of the Permittees and is not intended to address background or naturally occurring pollutants or flows.
5. The federal Clean Water Act (the “CWA”) established a national policy designed to help maintain and restore the physical, chemical and “biological integrity” (as defined in Appendix 4, Glossary) of the nation’s waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of pollutants from “point sources” (as defined in Appendix 4, Glossary) to waters of the nation (the “Waters of the U. S.”). From 1972 to 1987, the main focus of the NPDES program was to regulate conventional pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, “non-point sources” (as defined in Appendix 4, Glossary), including agricultural runoff and Urban Runoff, now contribute a larger portion of many kinds of pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities.
6. Studies conducted by the United States Environmental Protection Agency (the “USEPA”), the states, counties, cities, flood control districts and other political entities dealing with urban “storm water” (as defined in Appendix 4, Glossary) runoff indicate the following major sources of Urban Runoff “pollution” (as defined in Appendix 4, Glossary) nationwide:
  - a. Industrial sites where appropriate pollution control and best management practices (“BMPs”) <sup>1</sup> are not implemented;
  - b. Construction sites where erosion and siltation controls and BMPs are not implemented; and,
  - c. Runoff from urbanized areas.
7. The 1987 amendments to the CWA added Section 402(p) that required the USEPA to develop permitting regulations for storm water discharges from MS4s and from industrial facilities, including construction sites. The USEPA promulgated the final Phase I storm water regulations on November 16, 1990. Neither the 1987 amendments to the CWA nor the Phase I storm water regulations (40 CFR Part 122) have been amended since their effective dates.
8. Section 402 (p) of the CWA establishes two different performance standards for storm water discharges. NPDES MS4 permits require controls to reduce the discharge of pollutants to the Maximum Extent Practicable (the “MEP”) [See discussion of this term in the Glossary, Appendix 4]. NPDES permits issued for industrial storm water discharges (including construction activities) must meet Best Available Technology (“BAT”) and Best Conventional Pollutant Control Technology (“BCT”) standards. The CWA and the USEPA regulations promulgated pursuant thereto allow each state the flexibility to decide what constitutes the MEP.

---

<sup>1</sup> Best Management Practices (BMPs) are water quality management practices that are maximized in efficiency for the control of storm water runoff pollution.

9. Prior to the USEPA's promulgation of the final storm water regulations, three counties (Orange, Riverside, and San Bernardino) and their incorporated cities located within the Regional Board's jurisdiction requested area-wide NPDES MS4 permits. These area-wide MS4 NPDES permits are:
  - a. Orange County, NPDES No. CAS 618030
  - b. Riverside County, NPDES No. CAS 618033
  - c. San Bernardino County, NPDES No. CAS 618036
10. Consistent with the CWA and the USEPA regulations promulgated pursuant thereto, the State Water Resources Control Board (the "State Board") and the Regional Board have adopted a number of permits to address pollution from the sources identified in Finding 6, above. Industrial activities (as defined in 40 CFR 122.26(b)(14)) and construction sites of five acres or more are to be covered under one of the following permits and those individuals or entities that engage in such activities are required to secure permission to engage in such identified activities pursuant to the provisions of one of the following permits:
  - a. State Board Order No. 97-03-DWQ, for storm water runoff from industrial activities (NPDES No. CAS000001), (the "General Industrial Activities Storm Water Permit")
  - b. State Board Order No. 99-08-DWQ, for storm water runoff from construction activities (NPDES No. CAS000002), (the "General Construction Activity Storm Water Permit"). Order No. 99-08- DWQ was amended by State Board Resolution No. 2001-046 on April 26, 2001, to incorporate monitoring provisions as directed by the Superior Court, County of Sacramento.
  - c. State Board Order No. 99-06-DWQ (NPDES No. CAS000003) for storm water runoff from facilities (including freeways and highways) owned and/or operated by the California Department of Transportation ("Caltrans").
  - d. Regional Board Order No. 01-34, adopted on January 19, 2001, for storm water discharges associated with new development (construction) to surface waters in the San Jacinto sub-watershed ("San Jacinto Watershed Construction Activities Permit").
  - e. The Regional Board also issues individual storm water permits for certain industrial facilities within the Santa Ana River Watershed. Currently there is one industrial storm water NPDES permit that has been issued by the Regional Board for a facility (March Air Reserve Base) located within the Permit Area. Additionally, the Regional Board has issued NPDES permits for a number of facilities that discharge process wastewater and storm water; storm water discharge requirements are included in such a facility's NPDES permit.
11. The San Bernardino County Flood Control District and RCFC&WCD, in cooperation with local affected municipalities, are coordinating an effort to construct flood control facilities in the Chino-Corona Agricultural Preserve area (the "Preserve Area") located on the border of San Bernardino and Riverside Counties. The Preserve Area has the highest concentration of dairy

animals in the nation. The ground and surface water quality in the Preserve Area have been adversely impacted by these dairy operations. The dairies within the Permit Area are regulated under the Regional Board's "General Dairy Permit" (Order No. 99-11, NPDES No. CAG018001). The General Dairy Permit allows discharge of storm water from dairies only for storms exceeding a 24-hour, 25-year frequency. The portion of the Preserve Area within San Bernardino County lacks appropriate flood control facilities, and runoff from upstream urbanized areas within San Bernardino County often inundates some of the dairies in the Preserve Area, even during light or moderate storm and runoff events. This causes dairy waste containment facilities to fail and overflow into surface drainage facilities. This overflow causes nutrient, total dissolved solids (TDS), total suspended solids (TSS), and microbial problems in the "receiving waters" (as defined in Appendix 4, Glossary). However, there are only small areas of urbanized development in Riverside County upstream of the dairies subject to flooding. The RCFC&WCD is the lead agency responsible for engineering, design, contract administration, environmental review, and overall project management of the County Line Channel whose construction is intended to address this problem.

12. Section 13225 of the California Water Code (the "Water Code") identifies the Regional Board as being the enforcement authority for NPDES permits, including the General Industrial Activities Storm Water Permit (referenced in Finding 10.a., above) and the Construction Activity Storm Water Permits (referenced in Finding 10.b. and 10.d, above) (collectively, the "General Storm Water Permits"). However, in many areas, the industrial and construction sites discharge directly into MS4s owned and operated by the Permittees. These industrial and construction sites are also regulated under local ordinances and regulations. The Co-Permittees review plans for developments in accordance with the "Subdivision Map Act" (Section 66400 et seq. of the California Government Code), the California Environmental Quality Act ("CEQA") (Section 21000 et seq. of the California Public Resources Code), and local general plans and implementing ordinances and regulations to assure that new developments proceed in an orderly, and safe manner, consistent with each Co-Permittee's general plan. This Order establishes a responsibility of the Permittees to manage Urban Runoff. A coordinated effort between the Permittees and the Regional Board staff is critical to avoid duplicative and overlapping efforts when overseeing the compliance of dischargers covered under the General Storm Water Permits. As part of this coordination, the Permittees have been notifying Regional Board staff when they observe, during their routine activities, conditions that result in a threat or potential threat to water quality, or when a required industrial facility or construction activity fails to obtain coverage under the appropriate General Storm Water Permit. To more effectively coordinate these activities, the Regional Board staff intends to post their inspection activities related to administration of the General Storm Water Permits on the Regional Board website.
13. Urban Runoff includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from feedlots, dairies, farms, and open space (also see Finding 14, below). Urban Runoff discharges consist of storm water and "non-storm water" (as defined in Appendix 4, Glossary) surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the Waters of the U. S. In addition to Urban Runoff, the MS4s regulated by this Order receive flows from agricultural activities, open space, state and federal properties and other non-urban land uses not under the control of the Permittees. The quality of the discharges from the MS4s varies considerably and is affected by, among other things,

past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed discharges<sup>2</sup> and illicit connections<sup>3</sup>.

14. The Permittees lack legal jurisdiction over storm water discharges into their respective MS4s from agricultural activities, California and federal facilities, utilities and special districts, Native American tribal lands, wastewater management agencies and other point and non-point source discharges otherwise permitted by or under the jurisdiction of the Regional Board. The Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate pollutants present in Urban Runoff are beyond the ability of the Permittees to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geography.
15. Urban Runoff may contain elevated levels of pathogens (bacteria, protozoa, viruses), "sediment" (as defined in Appendix 4, Glossary), trash, fertilizers (nutrients, compounds of nitrogen and phosphorus), pesticides (DDT, Chlordane, Diazinon, Chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). Urban Runoff can carry these pollutants to rivers, streams, and lakes within the Permit Area (collectively the "Receiving Waters"). In addition, although infrequently, Urban Runoff from the Permit Area can carry these pollutants to other receiving waters such as the Pacific Ocean. These pollutants can then impact the beneficial uses of the receiving waters and can cause or threaten to cause a condition of pollution or "nuisance" (as defined in Appendix 4).
16. Pathogens (from sanitary sewer overflows, septic system leaks, and spills and leaks from portable toilets, pets, wildlife and human activities) can impact water contact recreation and non-contact water recreation. "Floatables" (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors. Oil and grease can coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components can cause "toxicity" (as defined in Appendix 4, Glossary) to aquatic organisms and can impact human health. Suspended and settleable solids (from sediment, trash, and industrial activities) can be deleterious to benthic organisms and may cause anaerobic conditions to form. Sediments and other suspended particulates can cause turbidity, clog fish gills and interfere with respiration in aquatic fauna. They can also screen out light, hindering photosynthesis and normal aquatic plant growth and development. However, it is recognized that storm flows from non-urbanized areas such as "National Forest," "State Park," "Wilderness," and "Agriculture", as shown on Appendix 1, naturally exhibit high levels of

---

<sup>2</sup> Illegal discharge means any disposal, either intentionally or unintentionally, of material or waste to land or MS4s that can pollute storm water or create a nuisance. The term illegal discharge includes any discharge to the MS4 that is not composed entirely of storm water, except discharges pursuant to an NPDES permit, discharges that are identified in Section II. C. of this Order, and discharges authorized by the Executive Officer.

<sup>3</sup> Illicit Connection means any connection to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit connection includes all non storm-water discharges and connections except discharges pursuant to an NPDES permit, discharges that are identified in Section II, Discharge Limitations/Prohibitions, of this Order, and discharges authorized by the Executive Officer.

suspended solids due to climate, hydrology, geology and geography.<sup>4</sup> Toxic substances (from pesticides, petroleum products, metals, and industrial “wastes” (as defined in Appendix 4, Glossary)) can cause acute and/or chronic toxicity, and can bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, fire fighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) can cause excessive algal blooms. These blooms can lead to problems with taste, odor, color and increased turbidity, and can depress the dissolved oxygen content, leading to fish kills.

17. The water quality assessment conducted by Regional Board staff has identified a number of beneficial use impairments due, in part, to agricultural and Urban Runoff. Section 303(b) of the CWA requires each of California’s Regional Water Quality Control Boards to routinely monitor and assess the quality of waters of their respective regions. If this assessment indicates that beneficial uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an impaired waterbody (“Impaired Waterbody”). The 1998 water quality assessment listed a number of water bodies within the Permit Area as impaired pursuant to Section 303(d). In the Permit Area, these include: Canyon Lake (for nutrients and pathogens); Lake Elsinore (for nutrients, organic enrichment/low D.O., unknown toxicity and sedimentation); Lake Fulmor (for pathogens); Santa Ana River, Reach 3 (for nutrients, pathogens, salinity, TDS, and chlorides); and Santa Ana River, Reach 4 (for pathogens). However, the Regional Board now recognizes that Reach 3 of the Santa Ana River is meeting the standards for nutrients, salinity, TDS and chlorides and has requested that this Reach be de-listed for these constituents in the 2002 CWA 303(d) list.
18. Federal regulations require that a total maximum daily load (“TMDL”) be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged and still attain “water quality standards” (as defined in Appendix 4, Glossary) in the receiving water, i.e., Receiving Water quality objectives are met and the beneficial uses are protected. The TMDL is the sum of the individual Waste Load Allocations (“WLA”) for point source inputs, Load Allocations (“LA”) for non-point source inputs and natural background, with a margin of safety. The TMDLs are one of the bases for limitations established in waste discharge requirements (“Waste Discharge Requirements” and defined in Appendix 4, Glossary). TMDLs are being developed for sediment, pathogens, and nutrients for Lake Elsinore and Canyon Lake. The Permittees are providing assistance and cooperating with Regional Board staff in the TMDL efforts. The Permittees shall revise their Drainage Area Management Plan (“DAMP,” and defined in Appendix 4, Glossary), at the direction of the Regional Board Executive Officer (the “Executive Officer”), to incorporate program implementation amendments so as to comply with Regional, “watershed” (as defined in Appendix 4, Glossary) specific requirements, and/or WLAs developed and approved pursuant to the process for the designation and implementation of TMDLs for Impaired Waterbodies.
19. The area shown on Appendix 1 contains 1,293 square miles (or 17.7% of the 7,300 square miles within Riverside County) and includes 11 of the 24 municipalities within Riverside

---

<sup>4</sup> Riverside County Flood Control and Water Conservation District's "Hydrology Manual," dated April 1978 and page II-4 of "Santa Ana River, Design Memorandum No. 1, Phase II GDM on the Santa Ana River Mainstem, including Santiago Creek, Volume 2, Prado Dam," dated August 1988 and D.I. Inman & S.A. Jenkins "Climate Change and the Episodicity of Sediment Flux in Small California Rivers," Journal of Geology, Volume 107, pp. 251-270, 1999.

County. The California Department of Finance estimates that as of January 1, 2002, the population of Riverside County is 1,644,341 of which 759,877 persons reside within the 11 municipalities and an additional 338,630 persons reside in the unincorporated area that is within the area shown on Appendix 1 (or a total of 1,098,507 persons or 66.8% of Riverside County's population). Five of the municipalities (Beaumont, Calimesa, Canyon Lake, Norco, and San Jacinto) have populations of 25,000 or less; three municipalities (Hemet, Lake Elsinore, and Perris) have populations between 25,001 and 62,000, Corona has a population of 133,966, Moreno Valley's population is 146,435 and Riverside has 269,402 residents. [Population figures for the city of Murrieta have been omitted because only 375 acres (2%) of the City's Land Area is within the area shown on Appendix 1. (See Finding No. 2.)] Of the total territory within the area shown on Appendix 1, 346.7 square miles are within the 11 incorporated areas and 944.6 square miles are unincorporated. General land uses within the 1,293.3 square miles comprising the area shown on Appendix 1 are identified, based on Riverside County Assessor's Roll for Fiscal Year 2001-2002, as follows: 109.3 square miles are used or zoned for commercial/industrial purposes (8.5%), 198.7 square miles for residential purposes (15.4%), 70.1 square miles are utilized for improved roadways (including roadways owned by Caltrans) (5.4%), 753.9 square miles are vacant or utilized for open space (58.3%), and 161.3 square miles are used for agricultural purposes (12.5%). The federal government owns 310.7 square miles (24%) of the territory within the area shown on Appendix 1.

20. Some portions of Riverside County within the Permit Area have been developed or zoned for residential, commercial and industrial uses. Urban development generally increases the area of impervious surfaces and storm water runoff volume and velocity; and decreases the area of previously vegetated surfaces available for infiltration of storm water, depending on soils, topography, climate, precipitation volume and patterns, and other factors. Based on the procedures in Section D of the Hydrology Manual of RCFC&WCD, dated April 1978, it is feasible that, in semi-arid regions, development may result in the creation of a net increase in absorption. Increases in runoff volume and velocity may cause scour, erosion (sheet, rill and/or gully), aggradation (raising of a streambed from sediment deposition), changes in fluvial geomorphology, hydrology, and changes in aquatic ecosystem (collectively, "Conditions of Concern"). The Permittees are the owners and operators of MS4s and have authority (except as qualified in Finding 14, above) to control most of the discharges of Urban Runoff to these systems. The Permittees have established appropriate legal authority to address their respective MS4s exposure to pollutant loads from discharges of Urban Runoff and have enhanced the design requirements for MS4s to address these potential discharges from new development. Co-Permittees have adopted grading and/or erosion control ordinances, guidelines and BMPs for municipal, commercial, and industrial activities, and along with RCFC&WCD, have approved and begun implementation of the DAMP. The Permittees have implemented most of the programs and policies that they developed. They must continue to implement an effective combination of these programs, policies, and legal authority, modify and enhance such programs and policies, and other additional requirements as identified herein, to ensure that pollutant loads resulting from Urban Runoff are properly controlled and managed to the MEP."
21. The Permittees own and/or operate MS4s through which Urban Runoff is discharged into the Waters of the U. S. The Permittees have identified major outfalls (with a pipe diameter of 36 inches or greater or drainage areas draining 50 acres or more) and have submitted maps of

existing MS4s. The Co-Permittees reported having approximately 153.3 miles of underground storm drains, and 21.3 miles of channels. The RCFC&WCD reported having 135 miles in underground storm drains and 133 miles of channels.

22. The MS4s generally contain non-storm water flows that may include runoff from agriculture and landscape irrigation, residential car washing, miscellaneous washing and cleaning operations, and other nuisance flows. In addition, these facilities are used to convey water produced from the Arlington Desalter and deliveries of other water for water conservation. During normal dry weather conditions, very little Urban Runoff reaches Receiving Waters<sup>5</sup>. Non-storm water discharges into the MS4s and to the Waters of the U. S. containing pollutants are prohibited, unless they are regulated under a separate NPDES permit; certain types of non-storm water containing insignificant amount of pollutants are exempt as indicated in Discharge Limitations/Prohibitions, Section II. C. of this Order.
23. Order No. 90-104 and Order No. 96-30 required the Permittees to: (1) develop and implement the DAMP and Urban Runoff and Receiving Water monitoring and reporting programs; (2) eliminate illegal discharges and illicit connections to the MS4s; and (3) enact the necessary legal authority to effectively prohibit such illegal discharges and illicit connections. The overall goal of these requirements was to reduce pollutant loading to surface waters from Urban Runoff to the MEP. The DAMP outlines the major programs and policies for controlling pollutants in Urban Runoff and the DAMP was approved by the Executive Officer on January 18, 1994. Since then, the Urban Runoff monitoring program has been expanded and the DAMP continues to be a dynamic document. This Order requires the Permittees to continue to implement the BMPs listed in the DAMP, and update or modify the DAMP, when appropriate, consistent with the MEP and other applicable standards; and to continue to effectively prohibit illegal discharges and illicit connections to their respective MS4s.
24. A revised Water Quality Control Plan (the "Basin Plan") was adopted by the Regional Board and became effective on January 24, 1995. The Basin Plan defines the numeric and narrative water quality objectives and beneficial uses of the receiving waters in the Region. These beneficial uses include municipal and domestic supply, agricultural supply, industrial service supply, groundwater recharge, hydropower generation, water contact recreation, non-contact water recreation and sportfishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat and preservation of rare, threatened, or endangered species. The Basin Plan also incorporates by reference all State Board water quality control plans and policies.
25. The ultimate goal of the MS4 permit is to protect these beneficial uses of the Receiving Waters by ensuring that the flows from MS4s do not cause or contribute to an exceedance of "water quality objectives" (as defined in Appendix 4, Glossary) for the Receiving Waters. The DAMP identifies programs and policies, including BMPs, to achieve this goal. These BMPs are organized into two components: BMPs for existing facilities and BMPs for new development. Both components include regulatory activities, public education programs, solid waste management, and operations and maintenance activities.

---

<sup>5</sup> Based upon a field investigation report of the Storm Drain Outlets into the Santa Ana River conducted by the RCFC&WCD and dated May 28, 2002.



26. There are pollutants in Urban Runoff from privately owned and operated facilities such as residences, businesses and commercial establishments and public and private institutions. A successful NPDES MS4 permit program should include the participation and cooperation of public entities, private businesses, and public and private institutions. Therefore, public education is a critical element of the DAMP. As the population increases in the Permit Area, it will be even more important to continue to educate the public regarding the impact of human activities on the quality of Urban Runoff.
27. The Co-Permittees have developed conditions of approval for projects requiring coverage under the Construction Activity Permits for maps or permits requiring discretionary approval that are to be satisfied prior to issuing a grading or building permit for construction sites of five acres or more. After March 10, 2003, these conditions of approval will be extended to construction sites on one (1) acre or more, consistent with the acreage criteria of the current Construction Activity Permits.
28. This Order requires the Permittees to continue to implement the BMPs listed in the approved DAMP and to continue to effectively prohibit illegal discharges and illicit connections to their respective MS4s. One of the major elements of the DAMP is a Storm Water/Urban Runoff Management and Discharge Control Ordinance and each of the Co-Permittees has adopted such an ordinance and ordinances addressing grading and erosion control (collectively, the "Storm Water Ordinance"). The purpose of each Storm Water Ordinance is to prohibit pollutant discharges in the Permittees respective MS4s and to regulate illicit connections and non-storm water discharges to said MS4s.
29. The California Constitution and Government Code create in the Co-Permittees planning police powers that mandate that the Co-Permittees review and condition new development consistent with the Subdivision Map Act, CEQA, and their respective general plans, ordinances, and resolutions to ensure the general public's health and safety. If these constitutional and statutory mandates are not properly implemented and local ordinances and resolutions are not properly enforced, there is a creditable potential that new development could result in the discharge of pollutants to the Receiving Waters within the Permit Area from Urban Runoff.
30. This Order requires the Permittees to examine the source of pollutants in Urban Runoff from those activities that the Permittees conduct, approve, regulate and/or for which they issue a license or permit. This Order also requires the implementation of control measures to protect beneficial uses and attain "Receiving Water Quality Objectives", as defined in the Basin Plan.
31. Each Co-Permittee conducts inspections of those construction sites for which it has issued either a grading or building permit to determine compliance with its ordinances, regulations, and codes, including its Storm Water Ordinance. Each Co-Permittee, consistent with its ordinances, rules and regulations, inspect each site for which a grading or building permit has been issued for compliance with the conditions of approval governing the permit. These inspections have been expanded by several of the Co-Permittees to survey and address issues related to prevention of Urban Runoff and to determine that a site has secured coverage under the General Construction Activity Storm Water Permit. Once a certificate of occupancy has been issued, the Co-Permittees have limited jurisdiction to inspect the site on an ongoing basis. The Permittees have established the "Enforcement/Compliance Strategy," dated December 20, 2001 (the "E/CS") that addresses compliance strategies with regard to

industrial, and commercial facilities and construction sites. In addition, as part of their Urban Runoff management activities, the Principal Permittee and the County entered into an agreement, dated August 10, 1999 by which they have developed and funded, in cooperation with the Riverside County Environmental Health Department, the "Compliance Assistance Program" (the "CAP") which includes a storm water survey component as part of existing inspections of hazardous material handlers and retail food service activities. The initial phase of the CAP consisted primarily of educational outreach to the inspected facilities. The CAP has entered a second phase, which involves a detailed storm water compliance survey for each facility that must secure a "hazardous materials" (as defined in Appendix 4, Glossary) permit for either storing, handling or generating such materials (there are approximately 5,500 facilities of which approximately 2,300 are inspected annually, and all facilities are inspected at least once during a two year cycle) and retail food facilities (there are approximately 6,750 facilities, all of which are inspected 1 to 3 times annually). The type of industrial/commercial establishment that is inspected includes, but is not limited to, automobile mechanical repair, maintenance, fueling, or cleaning operation, automobile or other vehicle body repair or painting operations, and painting or coating operations. Any completed surveys that indicate non-compliance are forwarded to the appropriate jurisdiction's code enforcement division. In addition, the cities of Corona and Riverside, which operate publicly owned treatment works ("POTW"), in combination conduct annually on average, approximately 4,400 wastewater pre-treatment inspections, on a variety of industrial and commercial establishments, including, but not limited to, retail food establishments, car washes, and carpet, drape & furniture cleaning establishments. The Permittees have agreed to notify Regional Board staff when conditions are observed during such inspections that appear to be in violation of either the General Storm Water Permits or a permit issued by the Regional Board.

32. The Permittees own/operate facilities where industrial or related activities take place that may have an impact on Urban Runoff quality. Some of the Permittees also enter into contracts with outside parties to carry out activities that may also have an impact on Urban Runoff quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, MS4 maintenance activities and the application of herbicides, algaecides and pesticides. As part of Order 96-30, the Permittees were required to assess public agency activities and facilities for potential impact to Urban Runoff quality and develop their agency-specific "Municipal Facility Strategy". This Order requires the Permittees to continue to implement BMPs that are reducing pollutant discharges from those activities/facilities found to be significant sources of pollutants in Urban Runoff. This Order prohibits non-storm water discharges from facilities owned or operated on behalf of the Permittees unless the discharges are exempt under the Discharge Limitations/Prohibitions Section II. C. of this Order or are permitted by the Regional Board under an individual NPDES permit.
33. An effective monitoring program characterizes Urban Runoff discharges, identifies problem areas, and determines the impact of Urban Runoff on Receiving Waters and the effectiveness of BMPs. The Principal Permittee administers the Consolidated Program for Water Quality Monitoring<sup>6</sup> (the "CMP") for the Permittees. The CMP includes wet and dry weather monitoring

---

<sup>6</sup> Consolidated Program for Water Quality Monitoring, Riverside County Flood Control and Water Conservation District, March 1994.

of MS4 outfalls and Receiving Waters. The DAMP (at page 2-4, 1993) indicates that lead, copper, manganese, zinc, BOD, hardness, and nitrates for some of the dry weather samples analyzed exceeded the water quality objectives in samples collected prior to the DAMP. These and other water quality indicators are tabulated on page 2-6 of the DAMP.

34. The Permittee's 2000 Annual Report (Pursuant to each NPDES MS4 permit issued by the Regional Board to the Permittees, there is a requirement that an annual report (the "Annual Report") be filed with the Regional Board on or before each November 30th) summarized wet weather monitoring data collected between July 1990 and July 2000. This summary shows that the average concentration values for a wide array of pollutants do not exceed the Receiving Water Quality Objectives. However, for numerous constituents, the summary contains several maximum-recorded concentrations that exceed these Receiving Water Quality Objectives. The summary also includes data from the period prior to implementation of the DAMP approved by the Executive Officer in January 1994.
35. In general, the data as presented in the 2000 Annual Report are inconclusive in regard to identification of the pollutant trends and compliance or non-compliance with "Receiving Water Limitations"<sup>7</sup> in various drainage areas represented by the monitoring stations. Consequently, this Order requires the Permittees, in consultation with Regional Board staff, to re-evaluate prior monitoring data to identify the areas with elevated pollutant concentrations to focus their source reduction efforts. Also, this Order requires the Permittees to revise the CMP to provide more effective data to support Urban Runoff management. The Permittees will continue their current monitoring efforts on those priority areas pending development and approval of the revised CMP.
36. This Order requires the Permittees to make all necessary revisions to an agreement entitled "NPDES Stormwater Discharge Permit – Implementation Agreement" dated November 12, 1996 (the "Implementation Agreement"). The Implementation Agreement establishes the responsibilities of each party and a funding procedure for the shared costs.
37. By January 1, 2003, the State Board is required by Water Code Section 13383.5 (Stats. 2001, c. 492 (S.B. 72)) to develop a statewide municipal storm water (Urban Runoff) monitoring and reporting program. Once this statewide program has been developed, the Permittees will be required to develop a revised monitoring and reporting program as specified in this Order and consistent with new requirements developed by the State Board.
38. In addition to the Regional Board, a number of other stakeholders are involved in the management of the water resources of the Region. These include, but are not limited to, the incorporated cities in the Region, POTWs, the three counties, and the Santa Ana Watershed Project Authority and its member agencies. The entities listed in Appendix 2 are considered as potential dischargers of Urban Runoff in the Permit Area. It is expected that these entities will also work cooperatively with the Permittees to manage Urban Runoff. The Regional Board, pursuant to 40 CFR 122.26(a), has the discretion and authority to require non-cooperating entities to participate in this Order or to issue individual storm water permits.

---

<sup>7</sup> Receiving Water Limitations are requirements included in this Order issued by the Board to assure that the regulated discharge does not violate water quality standards established in the Basin Plan at the point of discharge to waters of the State.

39. Cooperation and coordination among the stakeholders (regulators, Permittees, the public, and other entities) are critical to optimize the use of limited resources and ensure economical management of the watershed. Recognizing this fact, this Order focuses on watershed management and seeks to integrate the programs of the stakeholders, especially the holders of the three MS4 permits within the Region.
40. The Regional Board recognizes that a watershed management program should integrate related programs, including the Urban Runoff program and TMDL processes.
41. Illegal discharges to the MS4s can contribute to "contamination" (as defined in Appendix 4, Glossary) of Urban Runoff and other surface waters. The RCFC&WCD was required by Order No. 90-104 to conduct an inspection of underground storm drains and only one illicit connection could be identified. Open channels and other aboveground elements of the MS4s are inspected for evidence of illegal discharges as an element of routine maintenance by the Permittees. The Permittees also developed a program to prohibit illegal discharges and illicit connections to their MS4s. Continued surveillance and enforcement of these programs are required to eliminate illicit connections and illegal discharges. The Permittees have a number of procedures in place to eliminate illicit connections and illegal discharges to the MS4s, including construction, commercial, and industrial facility inspections, drainage facility inspections, water quality monitoring and reporting programs, and public education.
42. The Permittees have the authority to control pollutants in Urban Runoff discharges, to prohibit illicit connections and illegal discharges, to control spills, and to require compliance and carry out inspections of the MS4s within their respective jurisdictions. The Co-Permittees have been extended necessary legal authority through California statutes and local charters. Consistent with this statutory authority, each of the Co-Permittees have adopted their respective Storm Water Ordinances. The Co-Permittees are required by this Order to review their respective Storm Water Ordinances and other ordinances, regulations, and codes adopted by them to determine whether the language of said ordinances, regulations, and codes needs to be modified or expanded to allow for enforcement actions, including civil and/or criminal penalties, to be brought by each Co-Permittee consistent with the provisions of this Order.
43. "Pollution prevention" (as defined in Appendix 4, Glossary) techniques implemented to the MEP, appropriate planning review procedures, early identification of potential Urban Runoff impacts and mitigation measures may reduce pollution associated with Urban Runoff. The Co-Permittees consider these impacts and appropriate mitigation measures in their respective, land use approval processes and CEQA review processes for development projects to insure consistency with their respective general plans. This Order requires the Co-Permittees to review their respective CEQA review processes, general plans, zoning ordinances, and related regulations and codes to determine the need for any revisions.
44. The legislative history and the preamble to the federal storm water regulations indicate that Congress and the USEPA were aware of the difficulties in regulating Urban Runoff solely through traditional end-of-pipe treatment. However, it is the Regional Board's intent that this Order requires the implementation of BMPs to reduce, to the MEP, the discharge of pollutants in Urban Runoff from the MS4s in order to support attainment of water quality standards. This Order, therefore, includes Receiving Water Limitations based upon water quality objectives, prohibiting the creation of nuisances and requiring the reduction of water

quality impairment in the Receiving Waters. In accordance with Section 402 (p) of the CWA, this Order requires the Permittees to implement control measures that will reduce pollutants in Urban Runoff discharges to the MEP. The Receiving Water Limitations similarly require the implementation of control measures to protect beneficial uses and attain water quality objectives of the Receiving Waters.

45. The Regional Board finds that the unique aspects of the regulation of Urban Runoff discharges through MS4s, including, but not limited to, the intermittent nature of discharges, difficulties in monitoring and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of BMPs. Therefore, this Order includes a procedure for determining whether Urban Runoff discharges are causing or contributing to exceedances of Receiving Water Limitations and for evaluating whether the DAMP must be revised in order to comply with this aspect of this Order. This Order establishes an iterative process to achieve compliance with the Receiving Water Limitations.
46. Less than one fifth (1/5) of the entire acreage within Riverside County drains into water bodies within the Permit Area. Sixty-seven percent of Riverside County's population resides within the Permit Area. The San Diego and the Colorado River Basin Regional Water Quality Control Boards regulate Urban Runoff from those portions of Riverside County outside of the Permit Area.
47. The Santa Ana Watershed is one of the major watersheds within Southern California. This watershed is divided into three sub-watersheds: the "Lower Santa Ana," the "Upper Santa Ana", and the "San Jacinto". The Lower Santa Ana sub-watershed (downstream from Prado Basin) includes the north half of Orange County and the Upper Santa Ana sub-watershed includes the southwestern corner of San Bernardino County and the northwestern corner of Riverside County. The San Jacinto sub-watershed includes the northwest corner of Riverside County south of the Upper Santa Ana sub-watershed.
48. The Santa Ana River is the major receiving water in the Permit Area. During non-storm periods the flow in the River is dominated by effluent from POTWs. POTW discharges are regulated under permits issued by the Regional Board. In addition, the quality of the Santa Ana River within the Upper Santa Ana sub-watershed is greatly influenced by agricultural activities. Urban Runoff from the Permit Area constitutes a minor component of the dry weather flow in the Upper Santa Ana and San Jacinto sub-watersheds of the Santa Ana River.
49. Generally, the portion of the Upper Santa Ana sub-watershed located within San Bernardino County drains to the portion of the Upper Santa Ana sub-watershed within Riverside County and the portion of the Upper Santa Ana sub-watershed located within Riverside County and the San Jacinto sub-watershed drain to Orange County through the Prado Basin and Dam. Prado Dam detains the flows of the Upper Santa Ana and San Jacinto sub-watersheds, specifically Reaches 3 and 4 of the Santa Ana River, and supports an extensive man-made wetlands system, that provides treatment of the detained water. Most of the flow in the Santa Ana River is released from Prado Dam and recharged into the ground water in Orange County. However, as a result of infrequent heavy storm events, flows leaving Prado Dam may continue to coastal waters of the Pacific Ocean.

50. Water from rainfall, snow melt runoff, and surfacing ground water from various areas within the Permit Area either discharge directly to the Santa Ana River or to watercourses tributary to the Santa Ana River. Other major rivers within the Permit Area include the San Jacinto River and Temescal Creek. The San Jacinto Mountain areas drain into the San Jacinto River, which discharges into Canyon Lake and thence into Lake Elsinore. Any overflow from Lake Elsinore is tributary to Temescal Creek, which flows into the Santa Ana River at the Prado Basin. Overflow from Lake Elsinore occurs infrequently, only once every 12 to 15 years.
51. The requirements contained in this Order are necessary to implement the Basin Plan. This Order does not contain "numeric effluent limitations" (as defined in Appendix 4, Glossary) for any constituent because the impact of the Urban Runoff discharges on the water quality of the Receiving Waters has not yet been fully determined and because the State Board and the USEPA have determined that numeric effluent limits are not required in the MS4 permits. Continuation of water quality/biota monitoring and analysis of the data are essential to make that determination. The Basin Plan or amendments thereto, may be grounds for the Permittees to revise the DAMP.
52. The Permittees will be required to comply with future water quality standards or discharge requirements, which may be imposed by the USEPA or State of California prior to the expiration of this Order. This Order may be reopened to include WLAs or LAs to address pollutants in Urban Runoff causing or contributing to the impairments in Receiving Waters and/or other requirements developed and adopted by the Regional Board.
53. The Permittees may petition the Regional Board to issue a separate NPDES permit to any discharger of non-storm water into MS4s that they own or operate.
54. The Permittees have implemented programs to control litter, trash, and other anthropogenic materials in Urban Runoff. In addition to the municipal ordinances prohibiting litter, the Permittees should continue to participate or organize a number of other programs such as solid waste collection programs, household hazardous waste collections, hazardous material spill response, catch basin cleaning, additional street sweeping, and recycling programs to reduce litter and illegal discharges. These programs should effectively address urban sources of these materials. This Order includes requirements for continued implementation of these programs for litter, trash, and debris control.
55. The Regional Board recognizes the importance of watershed management initiatives and regional planning and coordination in the development and implementation of programs and policies related to Receiving Water quality protection. A number of such efforts are underway in which the Permittees are active participants. This Order encourages continued participation in such programs and policies. The Regional Board also recognizes that in certain cases, diversion of funds targeted for certain monitoring and reporting programs to regional monitoring programs may be necessary. The Executive Officer is authorized to approve, after proper public notification and consideration of comments received, the watershed management initiatives and regional planning and coordination programs and regional monitoring programs. The Permittees are required to submit all documents, where appropriate, in an electronic format acceptable to the Executive Officer. These documents will be posted at the Regional Board's website and interested parties will be notified. In

addition, the website will include the administrative and civil procedures to appeal any decision made by the Executive Officer.

56. The storm water regulations require public participation in the development and implementation of the Urban Runoff management program. As such, the Permittees are required to solicit and consider all comments received from the public and submit copies of the comments to the Executive Officer with the Annual Reports due each November 30th. In response to public comments, the Permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.
57. In accordance with Water Code Section 13389, the issuance of Waste Discharge Requirements for this discharge is exempt from those provisions of CEQA contained in Chapter 3 (commencing with Section 21100), Division 13 of the California Public Resources Code.
58. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, for this discharge. The Regional Board finds that the Urban Runoff discharges regulated under this Order are consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary. This Order requires the continued implementation of programs and policies to reduce the discharge of pollutants in Urban Runoff. This Order includes additional requirements to control the discharge of pollutants in Urban Runoff from "Significant Redevelopment", as defined in Section VIII.B.1.a., and "New Development", as defined in Section VIII.B.1.b.
59. The Regional Board has notified the Permittees and interested parties of its intent to issue Waste Discharge Requirements for Urban Runoff and has provided them with an opportunity to submit their written views and recommendations.
60. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge of Urban Runoff and to the tentative requirements.

**IT IS HEREBY ORDERED** that the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, and the provisions of the CWA, as amended, and the regulations and guidelines adopted there under, shall comply with the following:

**I. RESPONSIBILITIES:**

**A. Responsibilities of the Principal Permittee:**

1. The Principal Permittee shall be responsible for managing the overall Urban Runoff program and shall:
  - a. Coordinate revisions to the DAMP.

- b. Implement management programs, monitoring and reporting programs, and related plans as required by this Order.
  - c. Conduct chemical and biological water quality monitoring and hydrographic monitoring as required by the Executive Officer.
  - d. Conduct inspections and maintain the MS4s over which it has jurisdiction.
  - e. Review and revise, if necessary, those agreements to which it is a party and those regulations and policies it deems necessary to provide adequate legal authority to maintain the MS4s for which it has jurisdiction and to take those actions required of it by this Order and the Federal Storm Water Regulations (see Section V "Legal Authority/Enforcement", below);
  - f. To cause appropriate enforcement actions against illegal discharges to the MS4 for which it has jurisdiction be taken and pursued as necessary to ensure compliance with storm water management programs, implementation plans, and regulations and policies, including physical elimination of undocumented connections and illegal discharges (see Section V - "Legal Authority/Enforcement", below);
  - g. Respond or cause the appropriate entity or agency to respond to emergency situations such as accidental spills, leaks, and illegal discharges/illicit connections to prevent or reduce the discharge of pollutants to its MS4s and to the Waters of the U. S.
  - h. Prepare, coordinate the preparation of, and submit to the Executive Officer, those reports and programs necessary to comply with this Order.
2. The activities of the Principal Permittee should also include, but not be limited to, the following:
- a. Establish a Management Steering Committee (the "Management Steering Committee") as described in the ROWD to address Urban Runoff management policies for the Permit Area and coordinate the review, and necessary revisions to the DAMP and Implementation Agreement. The Management Steering Committee will meet at least quarterly or more frequently as determined by the chairperson.
  - b. Coordinate and conduct Technical Committee (the "Technical Committee") meetings, at least ten times per year. The Technical Committee shall direct the development of the DAMP, and coordinate the implementation of the overall Urban Runoff program, as described in the ROWD. The Technical Committee will consist of one or more representatives from each Permittee.
  - c. Will take the lead role in initiating and developing area-wide programs and activities necessary to comply with this Order.



- d. Coordinate activities and participate in committees/subcommittees formed to comply with this Order.
- e. Coordinate with the Regional Board and Co-Permittees the implementation of this Order, including the submittal of all reports, plans, and programs as required under this Order.
- f. Provide technical and administrative support to the Co-Permittees, including informing them of the status of known pertinent municipal programs, pilot projects, and research studies.
- g. Coordinate with the Co-Permittees the implementation of Urban Runoff quality management programs, monitoring and reporting programs, implementation plans, public education, other pollution prevention measures, household hazardous waste collection, and all BMPs outlined in the DAMP and take other actions as may be necessary to meet the MEP.
- h. Gather and disseminate information on the status of statewide Urban Runoff programs and evaluate the information for potential use in the execution of this Order. Hold workshops focused on Urban Runoff regulatory requirements, BMPs, and other related topics.
- i. Compile information provided by the Co-Permittees and determine their effectiveness in attaining Receiving Water quality standards. This determination shall include a comparative analysis of monitoring data to the applicable water quality objectives for Receiving Waters as specified in Chapter 4 of the Basin Plan. A pollutant source investigation and control plan shall be performed when elevated pollutant levels are identified.
- j. Solicit and coordinate public input for major changes to the Urban Runoff management programs and the implementation thereof.
- k. Coordinate the development and implementation of procedures, and performance standards, to assist in the consistent implementation of BMPs, as well as Urban Runoff management programs, among the Co-Permittees.
- l. Participate in watershed management programs and regional and/or statewide monitoring and reporting programs.

B. Responsibilities of the Co-Permittees:

- 1. Each Co-Permittee shall be responsible for managing the Urban Runoff program within its jurisdiction and shall:
  - a. Continue to maintain adequate legal authority to control the contribution of pollutants to their MS4s and enforce those authorities.

- b. Conduct inspections of and maintain its MS4s in accordance with the criteria developed pursuant to Section XI.D, below.
  - c. Continue to implement management programs, monitoring and reporting programs, all BMPs listed in the DAMP, and related plans as required by this Order and take such other actions as may be necessary to meet the MEP standard.
  - d. Continue to seek sufficient funding for the area-wide Urban Runoff management plan, local Urban Runoff program management, Urban Runoff enforcement, public outreach and education activities and other Urban Runoff related program implementation.
  - e. Continue to coordinate among their internal departments and agencies, as appropriate, to facilitate the implementation of this Order and the DAMP.
  - f. Continue to pursue enforcement actions as necessary within its jurisdiction for violations of Storm Water Ordinances, and other elements of its Urban Runoff management program.
  - g. Respond to or arrange for the appropriate entity or agency to respond to emergency situations such as accidental spills, leaks, illegal discharges/illicit connections, etc. to prevent or reduce the discharge of pollutants to their MS4s and the Waters of the U.S.
2. The Co-Permittees' activities should include, but not be limited to, the following:
- a. Participate in the Management Steering Committee and the Technical Committee in accordance with Section XIII.D. of this Order.
  - b. Conduct and coordinate with the Principal Permittee surveys and monitoring needed to identify pollutant sources and drainage area characteristics.
  - c. Prepare and submit reports to the Principal Permittee and/or the Regional Board in a timely manner.
  - d. Review, comment, approve, and implement plans, strategies, management programs, monitoring and reporting programs, as developed by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.
  - e. Participate in subcommittees formed by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.
  - f. Submit up-to-date MS4 maps to the Principal Permittee. If necessary, these maps should be revised on an annual basis and the revised maps should be submitted to the Principal Permittee with the information required for preparation of the Annual Report.

- g. Prepare and submit to the Principal Permittee in a timely manner specific reports/information, related to the Co-Permittees' Urban Runoff program, necessary to develop an Annual Report for submittal to the Executive Officer.

## **II. DISCHARGE LIMITATIONS/PROHIBITIONS:**

- A. In accordance with the requirements of 40 CFR 122.26(d)(2)(i)(B) and 40 CFR 122.26(d)(2)(i)(F), the Permittees shall continue to prohibit illicit connections and illegal discharges (non-storm water) from entering their respective MS4s.
- B. The discharge of Urban Runoff from each Permittee's MS4s to the Waters of the U. S. containing pollutants that have not been reduced to the MEP is prohibited.
- C. The Permittees shall continue to effectively prohibit the discharge of non-storm water, including those from public agency activities, into their respective MS4s and to the Waters of the U. S. unless such discharge is authorized by a separate NPDES permit or specifically allowed by the following provisions. The Permittees need not prohibit the discharges identified below. If, however, any of the following discharges are identified by either a Permittee or the Executive Officer as a significant source of pollutants, coverage under an NPDES permit or waste discharge requirements may be required.
  - 1. Discharges covered by a NPDES permit, Waste Discharge Requirements, or waivers issued by the Regional or State Board. Unless a Permittee is the discharger, the Permittees shall not be responsible for any exceedances of Receiving Water Limitations associated with such discharges;
  - 2. Discharges from potable water line flushing and other potable water sources;
  - 3. Emergency water flows (i.e., flows necessary for the protection of life and property) do not require BMPs and need not be prohibited. However, appropriate BMPs shall be considered where practicable when not interfering with emergency public health and safety issues;
  - 4. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters;
  - 5. Air conditioning condensate;
  - 6. Diverted stream flows;
  - 7. Rising ground waters and natural springs;
  - 8. Groundwater infiltration (as defined in 40 CFR 35.2005(20)) and "uncontaminated pumped groundwater" (as defined in Appendix 4, Glossary);
  - 9. Passive foundation drains;
  - 10. Passive footing drains;

11. Water from crawl space pumps;
  12. Non-commercial vehicle washing, (e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organization);
  13. Flows from riparian habitats and wetlands;
  14. Dechlorinated swimming pool discharges;
  15. Waters not otherwise containing wastes as defined in Water Code Section 13050 (d); and
  16. Other types of discharges identified and recommended by the Permittees and approved by the Regional Board.
- D. The Regional Board may issue Waste Discharge Requirements for discharges exempted from NPDES requirements, such as agricultural irrigation waters, if identified to be a significant source of pollutants.
- E. The Regional Board may add categories of non-Urban Runoff discharges that are not significant sources of pollutants or remove categories of non-Urban Runoff discharges listed in Section II.C. above, based upon a finding that the discharges are a significant source of pollutants.
- F. When types of discharges listed in Subsections II.C.2-16, above, are identified as a significant source of pollutants to the Waters of the U.S., a Permittee shall either: prohibit the discharge category from entering its MS4 or ensure that “structural” and “source control BMPs” (as defined in Appendix 4, Glossary) are implemented to reduce or eliminate pollutants resulting from the discharge. The Permittees shall evaluate the permitted discharges, as listed in Subsection II.C.1., above, to their MS4s to determine if any are a significant source of pollutants to their MS4s and notify the Executive Officer if any are a significant source of pollutants to their MS4s.
- G. The Permittees shall continue to reduce the discharge of pollutants, including trash and debris, from their respective MS4s to Receiving Waters to the MEP.
- H. Discharges from the MS4s shall be in compliance with the discharge prohibitions contained in Chapter 5 of the Basin Plan.
- I. Discharge of Urban Runoff from a Permittee’s MS4 shall not cause or contribute to a condition of nuisance as the term is defined in Section 13050 of the Water Code.

### **III. RECEIVING WATER LIMITATIONS**

- A. Urban Runoff discharges from the Permittees’ MS4s shall not cause or contribute to exceedances of Receiving Water quality standards (as defined by “beneficial uses” and

“water quality objectives” in the Basin Plan and amendments thereto) for surface waters or ground waters.

- B. The DAMP and its components shall be designed to achieve compliance with Receiving Water Limitations associated with discharges of Urban Runoff. It is expected that compliance with Receiving Water Limitations will be achieved through an iterative process and the application of increasingly more effective BMPs.
- C. The Permittees shall comply with Sections II and III of this Order through timely implementation of control measures and other actions to reduce pollutants in Urban Runoff in accordance with the DAMP and other requirements of this Order, including modifications thereto.
- D. If exceedance(s) of water quality standards due to Urban Runoff discharges persist, notwithstanding implementation of the DAMP and other requirements of this Order, the Permittees shall assure compliance with Sections II.B and III of this Order by complying with the following procedure:
  - 1. Upon a determination by either the Permittees or the Executive Officer that the discharges from the MS4 systems are causing or contributing to an exceedance of an applicable Water Quality Standard, the Permittees shall within two (2) working days, provide oral or e-mail notice to Regional Board staff of the location within its jurisdiction where the exceedance occurred and describe the nature of the exceedance. Following oral or e-mail notification, a written report must be submitted to the Executive Officer within thirty (30) calendar days of becoming aware of the situation. The report submitted for review and approval shall, at a minimum, describe the BMPs that are currently being implemented and the additional BMPs that will be implemented to prevent or reduce those pollutants that are causing or contributing to the exceedance of the applicable water quality standards. Alternatively, if the exceedances are due to discharges to the MS4 from activities or areas not under the jurisdiction of the Permittees, the Permittees shall provide documentation of these discharges in the subject report, consistent with Subsection D.6., below.
  - 2. Determination of the effect of Urban Runoff discharges from the MS4s on Receiving Water quality standards shall include a comparative analysis of the Permittees' monitoring data to the applicable water quality objectives for the Receiving Waters specified in Chapter 4 of the Basin Plan.
  - 3. The Executive Officer may by written notice require modifications to the report, required by Subsection D.1., above. If required, such modifications shall be submitted within thirty (30) calendar days of receipt of said written notice.
  - 4. Within ninety (90) calendar days following approval by the Executive Officer of the report required by Subsection D.1., above, the Permittees shall revise the DAMP and their monitoring and reporting programs to incorporate the approved modified or additional BMPs that have been or are to be implemented, and the implementation schedule.

5. The revised DAMP and monitoring program are to be implemented in accordance with the approved schedule.
6. If the exceedances are solely due to discharges to the MS4 that are outside the Permittees jurisdiction or control, the Permittees shall, within two (2) working days of becoming aware of the situation, provide oral or e-mail notice to Regional Board staff of the determination of the exceedance and provide written documentation of these discharges to the Executive Officer within ten (10) calendar days of becoming aware of the situation.
7. So long as the Permittees have complied with the procedures set forth above and are implementing the revised DAMP, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same Receiving Water Limitations unless the Executive Officer determines it is necessary to develop additional BMP's and provides written notice to the Permittees of this determination.

#### **IV. IMPLEMENTATION AGREEMENT**

- A. Within six (6) months of this Order's adoption, the existing Implementation Agreement shall be revised to include the city of Murrieta. A copy of the signature page and revisions to the Agreement shall be included in the Annual Report.
- B. No later than November 30th of each year, the Permittees shall evaluate their Urban Runoff management programs and the Implementation Agreement and determine the need, if any, for revision. The Annual Report shall include the findings of this review and a schedule for any necessary revision(s).

#### **V. LEGAL AUTHORITY/ENFORCEMENT:**

- A. The Permittees shall continue to maintain and enforce adequate legal authority to control the contribution of pollutants to the MS4s and enforce those authorities.
- B. The Permittees shall continue to take appropriate enforcement actions against violators of their Storm Water Ordinances, in accordance with the Federal Storm Water Regulations (40CFR, Part 122.26(d)(2)(I)(A-F)), and adopted/established guidelines and procedures in the E/CS.
- C. Within six (6) months of this Order's adoption, the Permittees shall evaluate their ordinances, regulations, rules and codes to determine if it has provided its staff authority to impose administrative fines for violations of its Storm Water Ordinance.
- D. Co-Permittees' ordinances or other local regulatory procedures shall include sanctions to ensure compliance. Sanctions shall include but shall not be limited to: verbal and/or written warnings, notice of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). If

the Co-Permittee's current ordinances or codes do not provide for the imposition of these civil or criminal penalties for violations of its Storm Water Ordinances, the Co-Permittee shall enact such ordinances within eighteen (18) months of this Order's adoption.

- E. The Permittees shall continue to provide notification to Regional Board staff regarding Urban Runoff related information gathered during site inspections of construction, and industrial sites regulated by the General Storm Water Permits or San Jacinto Watershed Construction Activities Permit and at sites that should be regulated under these Permits. The notification should include observed violations of these permits, prior history of violations, enforcement actions taken by the Permittee, and other relevant information. In addition, Sections IX, X, and XII of this Order address additional notification requirements for construction, industrial and commercial sites not covered under the General Storm Water Permits.
- F. Within twelve (12) months of this Order's adoption, and annually thereafter in November, the Permittees shall provide a report containing a review of their Storm Water Ordinances and their ordinance enforcement practices to assess their effectiveness in prohibiting non-exempt, non-storm water discharges to the MS4s (the Permittees may propose appropriate control measures in lieu of prohibiting these discharges, where the Permittees are responsible for ensuring that dischargers adequately maintain those control measures). At a minimum, the following types of non-exempt, non-storm water discharges and wastes shall be considered:
  - 1. Sewage, where a Co-Permittee operates a POTW and associated sewage collection system;
  - 2. Wash water resulting from the hosing or cleaning of gas stations, and other types of automobile service stations;
  - 3. Discharges resulting from the cleaning, repair, or maintenance of equipment, machinery, or facilities, including motor vehicles, concrete mixing equipment, portable toilet servicing, etc.;
  - 4. Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet cleaning, etc.;
  - 5. Water from cleaning of municipal, industrial, and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, containing chemicals or detergents, and without prior sweeping, etc;
  - 6. Runoff from material storage areas or uncovered receptacles that contain chemicals, fuels, grease, oil, or other hazardous materials;
  - 7. Discharges of runoff from the washing of toxic materials from paved or unpaved areas;

8. Discharges from pool or fountain water containing chlorine, biocides, or other chemicals; pool filter backwash containing debris and chlorine;
  9. Pet waste, yard waste, debris, sediment, etc;
  10. Restaurant or food processing facility wastes such as grease, floor mat and trash bin wash water, food waste;
- G. Within eighteen (18) months of this Order's adoption, each Permittee shall submit a statement (signed by its legal counsel) that the Permittee has obtained all necessary legal authority to comply with this Order through adoption of ordinances and/or municipal code modifications.

**VI. ILLICIT CONNECTIONS/ILLEGAL DISCHARGES; LITTER, DEBRIS AND TRASH CONTROL**

- A. The Co-Permittees shall continue to prohibit illicit connections and illegal discharges to the MS4s through their Storm Water Ordinances and the Principal Permittee shall do so through its statutory authority. In addition, the Permittees shall continue to implement and improve routine inspection and monitoring and reporting programs for their MS4s. If routine inspections or dry weather monitoring indicate illicit connections or illegal discharges, they shall be investigated and eliminated or permitted within sixty (60) calendar days of receipt of notice by its staff or from a third party. A summary of these actions shall be submitted annually beginning with the 2003-2004 Annual Report.
- B. The Permittees upon being put on notice by staff or a third party shall immediately upon becoming aware of the circumstances (within 24 hours of receipt of notice by its staff or from a third party) investigate all spills, leaks, and/or illegal discharges to the MS4s. Based upon their assessment and as specified below, the Permittees shall report as follows:
  1. All discharges that endanger human health or the environment:
    - a. By phone to the Office of Emergency Services (the "OES") at (800-852-7550) and to the Executive Officer at (909-782-3238). Alternatively, the report to the Executive Officer may be done by e-mail at ([sw@rb8.swrcb.ca.gov](mailto:sw@rb8.swrcb.ca.gov)).
    - b. At a minimum, any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any hazardous material spill where residents are evacuated, any spill of reportable quantities of hazardous waste (as defined in 40CFR 117 and 40 CFR 302), or any other spill or discharge that is reportable to the OES (collectively, an "Emergency Situation") shall be reported within twenty-four (24) hours of becoming aware of the circumstances.



2. Other spill incidents, including any unauthorized discharge, that are not incidents reportable to the OES shall be reported to the Executive Officer within two (2) business days of becoming aware of the circumstances.
  3. A written report of the discharge or incident described in this subsection shall be submitted to the Executive Officer within ten (10) calendar days of becoming aware of the circumstances.
  4. The Permittees may propose a reporting program, including reportable incidents and quantities, jointly with other agencies such as the County Health Department for approval by the Executive Officer.
- C. The Permittees shall continue to implement control measures to reduce and/or to eliminate the discharge of pollutants, including trash and debris, from MS4s to the Receiving Water. These control measures shall be reported in the Annual Report.
- D. Within eighteen (18) months of this Order's adoption, the Technical Committee shall provide a written assessment of the relative efficiency and cost effectiveness of the available BMPs and the BMPs currently implemented for the control of anthropogenic litter (e.g. street sweeping, catch basin cleaning, deployment of trash receptacles, public education, etc.) and develop recommendations for improving the effectiveness of the currently implemented measures, and implement appropriate BMPs to control trash in Urban Runoff. The Permittees are required to establish a system to record visual observation information regarding the materials collected from the MS4 (e.g. paper, plastic, wood, glass, vegetative litter, and other similar debris), descriptions of its main source(s) (e.g. office, residential, commercial, and industrial waste), and problem areas. The findings of this review, along with supporting field data, shall be included in the Annual Report for 2004-2005.
- E. Within eighteen (18) months of this Order's adoption, the Permittees shall review their litter/trash control ordinances to determine the need for revision to improve the effectiveness of these ordinances. The findings of this review shall be included in the Annual Report for 2003-2004.

**VII. SEWAGE SPILLS, INFILTRATION INTO MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES**

- A. The Executive Officer will request the local sewerage agencies to take the lead and develop unified response guidance, in cooperation with the Principal Permittee. The Principal Permittee shall collaborate with the local sewerage agencies to develop a unified response procedure to respond to sewage spills that may have an impact on Receiving Water quality. The Permittees shall provide local sanitation districts 24-hour access to the MS4s to address sewage spills. The Permittees shall continue to work cooperatively with the local sewerage agencies to determine and control the impact of infiltration from leaking sanitary sewer systems on Urban Runoff quality.

- B. Within twelve (12) months of this Order's adoption, the Permittees, whose jurisdictions have 50 or more septic tank sub-surface disposal systems in use, shall identify with the appropriate governing agency a procedure to control septic system failures to prevent impacts on Urban Runoff quality and continue to follow procedures established by the State Health Department to address such failures.
- C. Within twelve (12) months of this Order's adoption, the Principal Permittee shall review the Permittees' current oversight programs for portable toilets to determine the need for revisions.

## **VIII. NEW DEVELOPMENT (INCLUDING SIGNIFICANT REDEVELOPMENT)**

### **A. GENERAL REQUIREMENTS:**

- 1. Each Co-Permittee shall, consistent with the DAMP and its Storm Water Ordinance, and any revisions thereto as required by this Order, when considering any map or permit for which discretionary approval is sought require that said map or permit contain a condition requiring the applicant to obtain coverage under the General Construction Activity Storm Water Permit or the San Jacinto Watershed Construction Activities Permit, if applicable (collectively the "Construction Activity Permits"), by filing a Notice of Intent ("NOI") with either the State or Regional Board, as applicable. Verification that said condition has been satisfied may be established, as to the General Construction Activity Storm Water Permit, by presentation of a letter from the State Board indicating that the required fees have been paid and a waste discharge identification number ("WDID No.") has been issued or determining from the State Board's web-site that the WDID No. has been issued, and, as to the San Jacinto Watershed Construction Activities Permit, that the required Storm Water Pollution Prevention Plan ("SWPPP") has been approved, fees have been paid and the Regional Board has issued a WDID No. Within six (6) months of this Order's adoption, each Co-Permittee shall review and revise as needed its land use approval process to include a procedure to ensure that coverage has been secured under the appropriate Construction Activity Permit for each map or permit that it has approved.
- 2. Each Co-Permittee shall continue to implement those BMPs identified in the "New Development Guidelines", and the attachment thereto entitled "Selection and Design of Storm Water Quality Controls," that constitute Supplement A ("Supplement A") to the DAMP in its review of any map or permit for which discretionary approval is sought. The land use approval process of each Co-Permittee shall continue to require source control and address the need for structural treatment BMP's, identify their location, and identify how long-term maintenance responsibilities are to be met.
- 3. The Permittees shall review and revise, as necessary, the DAMP, including Supplement A, in order to effect the implementation of new or enhanced BMPs that more effectively reduce pollutants in runoff from construction sites during all phases of construction, including post-construction. At a minimum, the DAMP shall continue to:

- a. Discuss possible amendments to the Co-Permittees' ordinances, regulations, and codes that would enhance grading and erosion control and public education,
  - b. Propose review criteria to be applied in land use review processes to better address issues regarding Urban Runoff; and
  - c. Identify BMPs or regional or sub-regional Urban Runoff treatment/infiltration BMPs that would enhance pollution prevention measures and address post construction Urban Runoff issues.
4. The Permittees shall review and revise, as necessary, the DAMP, including Supplement A, in order to develop and effect the implementation of new or enhanced BMPs that reduce pollutants in Urban Runoff from commercial and industrial sites both during and after site construction. Appropriate BMPs will be required for industrial/commercial land uses that are identified during the land use approval process. For industrial/commercial land uses that are identified subsequent to the issuance of a discretionary map or permit, appropriate BMPs will be addressed through the E/CS. At a minimum the DAMP shall continue to address:
  - a. The identification of those characteristics of the development of a commercial or industrial site that are likely to be a source of pollutants in Urban Runoff that should be addressed and considered during the land use approval process, and
  - b. The identification of regional or sub-regional Urban Runoff treatment/infiltration BMPs that would address post construction Urban Runoff issues.
5. Each Co-Permittee shall continue to reduce the short and long-term impacts on Receiving Water quality from New Developments, as defined in Subsection B.1, below, and Significant Redevelopment, as defined in Subsection B.1., below, as required in Subsection B., below. In order to reduce pollutants and runoff flows from New Development and Significant Redevelopment to the MEP, the Co-Permittees shall at a minimum:
  - a. Review their respective land use approval and CEQA review processes to insure that each addresses Urban Runoff issues consistent with provisions of this Order and make appropriate revisions to each, and
  - b. Develop and implement a public/business education program as specified in Section IX.C.4., below.
6. Each Co-Permittee shall provide the Regional Board with any draft general plan or any draft general plan amendments for comment in accordance with Government Code Section 65350 et. seq.

7. Each Co-Permittee shall, through its conditions of approval, continue to address the maintenance and operation of structural BMPs required to be constructed to ensure Urban Runoff quality from New Development. The parties responsible for the maintenance and operation of such structural BMPs and an appropriate funding mechanism shall be identified in said conditions of approval.
8. Within twelve (12) months of this Order's adoption, the Co-Permittees shall review their respective land use approval and CEQA processes to ensure that Urban Runoff issues are properly considered and addressed. If necessary, these processes should be revised to consider and mitigate impacts to Urban Runoff quality. These changes may include amending the general plan, modifying the land use approval process or the environmental assessment form, which may include adding a section on Urban Runoff quality issues. The findings of this review and the actions taken by the Co-Permittees shall be reported to the Regional Board in the Annual Report for the corresponding year in which the review is completed. The following shall be considered in a Co-Permittee's environmental assessment form:
  - a. Potential impact that construction of the project may have on Urban Runoff.
  - b. Potential impact that operation of the project may have on Urban Runoff.
  - c. Potential for discharge of pollutants in Urban Runoff from areas identified within the project site to be used for material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.
  - d. Potential for pollutants in Urban Runoff discharged from a project site that may affect the beneficial uses of the Receiving Waters.
  - e. Potential for significant changes in the flow velocity or volume of Urban Runoff from a project site that would result in environmental harm.
  - f. Potential for significant increases in erosion of a project site or surrounding areas.
9. Within twenty-six (26) months of this Order's adoption, each Co-Permittee shall review its general plan and related land use ordinances and land use approval process (including, but not limited to, its approved development standards, zoning ordinances, standard conditions of approval, or project development guidelines) to ensure that the principles and policies enumerated below are properly considered and are incorporated into the land use approval process. The findings of this review and the actions taken by each Co-Permittee shall be reported to the Regional Board in the Annual Report for the year in which the review is completed. Said principles and policies should include, but not be limited to, the following:

- a. Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; minimize impacts from Urban Runoff on the biological integrity of natural drainage systems and water bodies;
  - b. Minimize changes in hydrology and pollutant loading; require incorporation of source control and structural BMPs<sup>8</sup> to mitigate the projected increases in pollutant loads and flows; ensure that post-construction runoff rates and velocities from a site do not result in significant adverse impact on downstream erosion and stream habitat; limit the quantity of Urban Runoff directed to impermeable surfaces and the MS4s; and maximize the percentage of permeable surfaces to allow more percolation of Urban Runoff into the ground;
  - c. Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site;
  - d. Encourage the use of BMPs to manage Urban Runoff quality and quantity;
  - e. Provide for appropriate permanent measures to reduce pollutant loads in Urban Runoff from the development site; and,
  - f. Establish development guidelines for areas particularly susceptible to erosion and sediment loss.
10. Within sixteen (16) months of this Order's adoption, each Co-Permittee shall review and, as necessary, revise its grading/erosion control ordinances in order to reduce erosion caused by New Development or Significant Redevelopment.
  11. Within eighteen (18) months of this Order's adoption, the Permittees shall identify a listing of erosion control BMPs appropriate for use during site construction in the Permit Area. The proposed and final BMP listing shall be approved, in writing, by the Executive Officer.
  12. The Co-Permittees shall continue to implement the BMPs described in Supplement A and the "Municipal Facilities Strategy" dated 1997, prepared for and approved by the Permittees.

---

<sup>8</sup> In lieu of site specific structural BMPs, a regional treatment system that provides equivalent or superior treatment of Urban Runoff is acceptable.

**B. WATER QUALITY MANAGEMENT PLAN FOR URBAN RUNOFF (FOR NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT)**

Within twenty (20) months of this Order's adoption, the Permittees shall develop a Water Quality Management Plan (the "WQMP") identifying BMPs, including design standards for source control and structural BMPs<sup>9</sup>, that are to be applied when considering any map or permit for which discretionary approval is sought. The WQMP is intended to address regional and sub-regional source control and structural BMPs and to provide guidelines for site specific, "post-construction BMPs" (as defined in Appendix 4, Glossary) to address management of Urban Runoff quantity and quality. The WQMP is to be submitted to the Executive Officer for his review and approval, consistent with the criteria identified in Subsections B.1., 2., and 3., below:

1. The WQMP shall address management of Urban Runoff quality from a project site, represented by a map or permit for which discretionary approval is sought from a Co-Permittee, in one of the categories of development identified below:
  - a. "Significant Redevelopment" is defined as the addition or creation of 5,000, or more, square feet of impervious surface on an existing developed site. This includes, but is not limited to, construction of additional buildings and/or structures, extension of the existing footprint of a building, construction of impervious or compacted soil parking lots. Where Significant Redevelopment results in an increase of less than fifty percent of the existing impervious surfaces of an existing developed site, and the existing developed site received its discretionary land use approvals prior to the adoption of the WQMP, the WQMP would apply only to the addition, and not the existing development. Significant Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, the original purpose of the constructed facility or emergency actions required to protect public health and safety;
  - b. For purposes of this Order, the categories of development identified below, shall be collectively referred to as "New Development":
    - (1.) Residential development of 10 dwelling units, or more, including single family and multi-family dwelling units, condominiums, or apartments.
    - (2.) Industrial and commercial development where the land area represented by the proposed map or permit is 100,000 square feet, or more, including, but not limited to, non-residential developments such as hospitals, educational institutions, recreational facilities, mini-malls, hotels, office buildings, warehouses, light industrial, and heavy industrial facilities;
    - (3.) Automotive repair shops (with standard industrial classification ("SIC") codes 5013, 7532, 7533, 7534, 7537, 7538, and 7539).
    - (4.) Restaurants (SIC Code 5812) where the project site is 5,000 square feet, or more.

- (5.) Hillside development that creates 10,000 square feet, or more, of impervious surface(s), including developments located on areas with known erosive soil conditions or where the natural slope is twenty-five percent or more.
  - (6.) Developments creating 2,500 square feet, or more, of impervious surface that is adjacent to (within 200 feet) or discharging directly into areas designated in the Basin Plan as waters supporting habitats necessary for the survival and successful maintenance of plant or animal species designated under state or federal law as rare, threatened, or endangered species (defined in the Basin Plan as "RARE") or waterbodies listed on the CWA Section 303(d) list of Impaired Waterbodies within the Permit Area.
  - (7.) Parking lots of 5,000 square feet or more of impervious surface exposed to storm water. Parking lot is defined as a site or facility for the temporary storage of motor vehicles.
- 2. The primary objective of the WQMP, by addressing source control and structural BMPs<sup>9</sup>, applied on a regional, sub-regional or site specific basis, is to ensure that the land use approval process of each Co-Permittee will minimize pollutant loads in Urban Runoff from project sites for a map or permit for which discretionary approval is given. This objective may be achieved through source control and structural BMPs. In developing the WQMP, the Permittees are to consider and address the following:
  - a. Pollutants of Concern/Conditions of Concern. The WQMP is to include a protocol by which Pollutants of Concern and/or Conditions of Concern are identified and their potential impact on Urban Runoff from a project site that is to be developed by one or more of the categories specified in Section VIII.B.1., above. The protocol shall include, at a minimum, consideration of the following:
    - (1) The quality of the Receiving Waters in proximity to the project site (including pollutants for which a waterbody within the Permit Area that has been listed as impaired under CWA Section 303(d));
    - (2) The category of development and the type of pollutants associated with that development category;
    - (3) Pollutants expected to be present on the project site; and
    - (4) Sensitivity of the Receiving Waters in proximity to the project site to changes in storm water discharge flow rates, velocities, durations, and volumes.
  - b. Implementation Process. The WQMP shall specify at which point in the land use approval process the provisions of the WQMP should be considered. The WQMP shall generally describe the type of municipal departments or related agencies that are best equipped to evaluate the project site and draft the conditions of approval that will identify the types of BMPs required to address the specified concerns indicated by the protocol developed consistent with Subsection B.2.a, above, and incorporated into the WQMP.

- c. If the draft condition of approval identifies the need for source control or structural BMPs<sup>9</sup>, the WQMP will require the proposed condition of approval to identify the operation and maintenance requirements for the identified structural source and/or treatment control and identify the funding source(s) and the parties responsible for the ongoing operation, maintenance, repair, rehabilitation and/or replacement of the source control and/or structural BMPs<sup>9</sup>.
3. The WQMP shall include a list of recommended source control and structural BMPs<sup>9</sup> and a protocol, developed pursuant to Subsection B.2., above, that will identify those applications that would be most effective for a project site that is to be developed by one or more of the categories specified in Section VIII.B.1., above. The source control and structural BMPs included in said list shall, at a minimum:
  - a. Control the post--construction peak storm water runoff discharge rates and velocities to avoid increasing downstream erosion beyond pre-construction conditions;
  - b. Conserve natural areas and protect stream habitat, where feasible;
  - c. Minimize the introduction of Pollutants of Concern into Urban Runoff;
  - d. Remove Pollutants of Concern from Urban Runoff to the MEP;
  - e. Protect slopes and channels from eroding;
  - f. Require storm drain inlet stenciling and signage;
  - g. Require properly designed outdoor material storage areas;
  - h. Require properly designed trash storage areas; and
  - i. Be located as close to pollutant sources, as appropriate and economically/technologically feasible, and before the Urban Runoff is discharged into Receiving Waters.
4. If by January 1, 2005, the Permittees have not developed the WQMP and/or the WQMP has not been approved by the Executive Officer, then each Co-Permittee shall cause to be placed on any proposed project submitted to it after said January 1st that requires discretionary approval of a map or permit that proposes to develop a site consistent with one or more of the categories specified in Subsection B.1., above, conditions of approval that will require source control and/or structural BMPs that are to meet design standards consistent with those specified in Subsection B. 5, below.
5. Source control and structural BMPs for any proposed project submitted to a Co-Permittee that requires discretionary approval of a map or permit that proposes to develop a site consistent with one or more of the categories specified in Subsection B.1., above, are to be sized to comply with one of the following numeric sizing



criteria or be determined by the Co-Permittee to provide equivalent or superior treatment of Urban Runoff, on a site basis:

**a. Volume.** Volume-based BMPs shall be designed to treat urban pollutants (including, but not limited to, sediments, copper, lead, arsenic, zinc, and pesticides), or infiltrate either:

- 1) The volume of Urban Runoff produced from a 24-hour, 85th percentile storm event, as determined from the local historical rainfall record; or
- 2) The volume of annual Urban Runoff produced from a 24-hour, 85th percentile rainfall event, determined as the maximized capture Urban Runoff volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or
- 3) The volume of annual Urban Runoff based on unit basin storage volume, to achieve 80% or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook – Industrial/Commercial (1993); or
- 4) The volume of Urban Runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the Urban Runoff produced from a 24-hour, 85th percentile storm event;

**Or,**

**b. Flow.** Flow-based BMPs shall be designed to treat urban pollutants (including, but not limited to, sediments, copper, lead, arsenic, zinc, and pesticides), or infiltrate either:

- 1) The maximum flow rate of Urban Runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
- 2) The maximum flow rate of Urban Runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
- 3) The maximum flow rate of Urban Runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

6. Implementation of Subsections B.1. through B.5., above shall include consideration of the following:

a. Each Co-Permittee may propose equivalent sizing criteria for structural BMPs that will achieve greater or substantially similar pollution control benefits. In the absence of approved equivalent sizing criteria, the Co-Permittee shall implement the above stated sizing criteria.

- b. Waiver Provisions. A Co-Permittee may provide for a project to be waived from the requirement of implementing structural BMPs (Section VIII. B. 5). All waivers, along with documentation justifying the issuance of the waiver, must be submitted to Regional Board staff in writing within thirty (30) calendar days. If the Executive Officer determines that waivers are being inappropriately granted, this Order may be reopened to modify these waiver conditions:
    - (1). If infeasibility can be established. A waiver of infeasibility shall only be granted by a Co-Permittee when all available structural BMPs have been considered and rejected as technically infeasible and/or the cost of implementing the structural treatment BMP greatly outweighs the pollution control benefit.
    - (2.) For those portions of the Permit Area that will not result in a discharge to the Receiving Waters under the rainfall conditions specified in Subsections B.5., above.
  - c. If a particular BMP is not technically feasible, other BMPs should be implemented to achieve the same level of pollution control or if the cost of implementing a technically feasible BMP greatly outweighs the pollution control benefits, the Co-Permittees may grant a waiver of the numeric sizing criteria for said BMP as set forth in the WQMP.
  - d. The Principal Permittee and the Co-Permittees, individually or jointly, as appropriate, may develop and implement regional and sub-regional watershed management BMPs that address Urban Runoff from New Development and Significant Redevelopment.
  - e. The obligation to install structural BMPs for New Development will be satisfied if, for a specific plan, multiple subdivisions, or a regional area, structural BMPs are constructed with the requisite capacity to serve the specific plan, multiple subdivisions, or regional area, even if certain phases of the specific plan or the subdivision do not have structural treatment BMP located within the boundaries of the particular phase, provided, however, the structural BMPs are designed and implemented to intercept Urban Runoff prior to it reaching the Receiving Waters and said BMPs meet the sizing criteria set forth in the WQMP or as specified in Subsection B.5, above.
7. Structural BMPs utilizing infiltration shall comply with the following:
- a. Infiltration shall not cause or contribute to an exceedance of groundwater quality objectives.
  - b. Protect groundwater quality.

- c. Should not be used in high vehicular traffic areas (25,000 or greater average vehicles daily) unless necessary to mitigate peak storm flows for the protection of real and personal property, or for the protection of public health and safety. A sampling and analysis plan shall be implemented for such sites.
- d. Shall be located at least 500 feet horizontally from water supply wells.
- e. Shall not cause a nuisance, including odor, vectors or pollution as defined by Water Code Section 13050.

## **IX. MUNICIPAL INSPECTION PROGRAM**

The municipal inspection program is outlined in the E/CS, prepared by the Permittees. The E/CS describes minimum inspection and enforcement procedures utilizing existing inspection programs, provides criteria for characterizing the significance of violations, criteria for prioritizing violations, appropriate response actions corresponding to the priority of violations and identifies the hierarchy of enforcement/compliance responses. The E/CS comprises a framework to standardize the implementation and enforcement by the Co-Permittees of their respective Storm Water Ordinances. As part of the E/CS, the Principal Permittee and the County have implemented the CAP that, through the Riverside County Environmental Health Department, specifically addresses storm water compliance survey/inspections of each facility that must secure a hazardous materials permit for either storing, handling or generating hazardous materials and restaurants. The Co-Permittees shall continue to enforce their respective Storm Water Ordinances consistent with the E/CS and shall revise the E/CS, within twelve (12) months of the adoption of this Order, and their respective Storm Water Ordinances consistent with the program elements described below. The revision of the E/CS is to be submitted for approval, in writing, by the Executive Officer.

### **A. Construction Sites**

1. Each Co-Permittee shall develop within twelve (12) months of this Order's adoption, an inventory of active construction sites within its jurisdiction for projects for which a building or grading permit has been issued for a site that is 1-acre or larger. As written in the "Storm Water Phase II Final Rule – Small Construction Program Overview" (EPA 833-f-00-013, January 2000, Fact Sheet 3.0), smaller parcels that are part of a larger development will also be required to comply with the Phase II rules. A construction site will be included in the inventory regardless of whether the construction site is subject to the Construction Activity Permits, or other individual construction storm water NPDES permits. In addition, beginning thirteen months (13) from the adoption date of this Order, New Development/Redevelopment Sites meeting the criteria defined in Section VIII. B.1, shall also be included in this database. This inventory shall be routinely maintained to reflect additional construction sites as permits are issued and may reflect deletions as occupancy permits are issued or a construction site is abandoned. This inventory shall be maintained in a computer database system. An electronic copy or update of the database, in a format acceptable to the Executive Officer, shall be provided with each Annual

Report or upon request. The database specifics shall at a minimum include the relevant site information as outlined in the E/CS. The revised E/CS should provide for the inclusion of the following information: facility name (dba), address, city, zip code, mailing address (if different), location reference (such as GIS coordinates, cross streets, etc.) facility contact and phone number, site size, Map/Plot Plan No., Grading Permit No., Assessor's Parcel Number ("APN"), and State WDID No. Linking the database to a Geographical Information System ("GIS") is recommended but is not required.

2. Within twelve (12) months of this Order's adoption, the Co-Permittees shall inspect all inventoried construction sites, document relevant site information as outlined in the E/CS, and shall cause said information to be entered into the inventory database. In establishing priorities for inspection of construction sites consistent with this Order, the Co-Permittees shall prioritize construction sites within their jurisdiction as a high, medium, or low threat to Receiving Water quality (consistent with the criteria contained in Section IX.A.3., below). Evaluation of construction sites should be based on such factors as soil erosion potential, project size, proximity and sensitivity of Receiving Waters, history of compliance, and other relevant factors. The priority level assigned to a construction site may change during the construction period, however, at a minimum, the following construction sites shall be given a high priority in the initial inventory:
  - a. Sites that disturb an area greater than 50 acres;
  - b. Sites that disturb an area greater than one (1) acre and are located adjacent to, within 200 feet, of an identified impaired water body within the Permit Area; and,
  - c. Sites that disturb an area greater than one (1) acre and directly discharge to an identified Impaired Waterbody within the Permit Area.
3. Each Co-Permittee shall conduct construction site inspections for compliance with its ordinances, including its Storm Water Ordinance, regulations, codes, and the WQMP, when approved. Construction site inspections shall at a minimum address the following areas as outlined in the E/CS:
  - a. Check for submittal of a NOIs in compliance with the Construction Activity Permits, if required;
  - b. Confirm a SWPPP, if required, is on-site;
  - c. Confirm compliance with the Co-Permittee's Storm Water Ordinance;
  - d. Check for active non-stormwater discharges or potential illicit connections or illegal discharges to a MS4; and,

- e. The frequency of inspections shall be as follows:

Site Priority Level	Inspection Frequency
High	Once every two weeks
Medium	Once each month
Low	Once during the wet season
Follow-up inspections when Storm Water Ordinance violations are observed	As specified in the E/CS, at least within two weeks, or consistent with a compliance schedule.

4. Each Co-Permittee shall enforce its Storm Water Ordinance at construction sites as necessary to maintain compliance with the E/CS and this Order. Sanctions for non-compliance may include: verbal and/or written warnings, notice of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor).
5. As described in the E/CS, the Co-Permittees will provide training to staff involved in inspecting construction sites. Staff training will address the requirements of the following:
  - a. The Storm Water Ordinances, resolutions, and codes;
  - b. This Order, the approved WQMP, and the DAMP;
  - c. The Construction Activity Permits;
  - d. The E/CS.
6. Construction site inspectors will also receive training regarding SWPPPs, selection and maintenance of appropriate BMPs for construction sites, including erosion and sediment control. Each Co-Permittee shall have arranged for adequate training of its current inspection staff within twelve (12) months of this Order's adoption and on an annual basis thereafter, prior to the start of the "Rainy Season" (October 1 through May 31<sup>st</sup>). Training programs should be coordinated with Regional Board staff and prior notification of formal classroom training activities shall be provided to Regional Board staff. New hires or transfers that will be performing construction site inspections for a Co-Permittee shall be trained within six (6) months of starting inspection duties.
7. Within twenty-four (24) hours of receipt of notice by its staff or from a third party, each Co-Permittee shall continue to provide oral or e-mail notification to Regional Board staff of sites within its jurisdiction that are determined to be an Emergency Situation. Following oral or e-mail notification, a written report must be submitted to Regional Board Staff within ten (10) calendar days of receipt of notice of the Emergency Situation, detailing the nature thereof, corrective actions taken by the site owner, other relevant information (e.g., past history of

non-compliance, environmental damage resulting from the Emergency Situation, site owner responsiveness) and the type of enforcement, consistent with Table 4 of the E/CS, that has been or will be carried out by the Co-Permittee. Further, incidences of non-compliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident will be included in the database identified in Subsection A.1, above.

8. If a Co-Permittee receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the Construction Activity Permits or other order or permit issued by the State or Regional Board, the Co-Permittee shall, within two (2) working days, provide oral or e-mail notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describing the nature of the incident. Following oral or e-mail notification, a written report must be submitted to Regional Board staff within ten (10) calendar days of becoming aware of the situation.
9. Upon referral of a construction site to Regional Board staff for failure to obtain coverage under the applicable Construction Activity Permit, failure to keep a SWPPP at the construction site, if applicable, or an observed act or omission that suggests failure to comply with either, the Co-Permittee will take no further action at the construction site with regard to securing compliance with the Construction Activity Permits. It is understood by the Co-Permittees and Regional Board staff that this will preclude duplication of effort and insure that consistent direction is provided to the owner/developer and the construction site manager as to what is required to bring the site into compliance with the General Construction Activity Storm Water Permit or San Jacinto Watershed Construction Activities Permit. Each Co-Permittee shall take appropriate actions to bring a construction site into compliance with its local ordinances, rules, regulations, and WQMP, when approved.
10. The number of inspections and the actions taken will be documented by the Co-Permittees and an appropriate summary of said actions will be provided to the Principal Permittee for inclusion in the Annual Report submitted to the Regional Board.
11. The Permittees need not inspect construction sites already inspected by Regional Board staff if the inspection of said site, given its prioritization consistent with the E/CS, was concluded within the time frame specified for said site's prioritization. To facilitate this, Regional Board staff will post a list of facilities inspected on the website or make this information available to the Co-Permittees by other pre-arranged means.

#### B. Industrial Facilities

1. Each Co-Permittee shall develop within eighteen (18) months of this Order's adoption, an inventory of industrial facilities in the Permit Area within its jurisdiction that has the potential to discharge pollutants to the MS4.

- a. Each Co-Permittee that presently has an existing local industrial inspection program (the cities of Corona and Riverside as to their respective POTW pre-treatment inspections and the County through the CAP) shall include in their respective inventory of industrial facilities information derived from existing compliance survey and inspection programs.
  - b. Each Co-Permittee without an industrial inspection program shall include in their inventory of industrial facilities information from the CAP that is relevant to its jurisdiction and may include information derived from other agencies providing services within its jurisdiction, including, but not limited to, the appropriate Fire Department, health departments, and POTW servicing the Permit Area.
  - c. An industrial facility will be included in said inventory, regardless of whether the facility is subject to the General Industrial Activities Storm Water Permit, or other individual NPDES permits issued by the State or Regional Boards.
  - d. The inventory shall be routinely updated, information can be derived from any of the following sources: conditional use permits, plot plans, building permits, business licenses, occupancy permits, hazardous materials permits, and hazardous waste generator permits are approved for the development of a new industrial facility, additional facilities are identified through the CAP, and as compliance surveys and inspections are completed and industrial facilities are identified. This inventory shall be maintained in a computer database system.
  - e. The Co-Permittees shall not issue an occupancy permit to an industrial facility or other license authorizing the facility to operate, unless the applicant is informed of the General Industrial Activities Storm Water Permit and that it may have to secure coverage thereunder.
  - f. The database information content may be Co-Permittee specific and shall be developed and maintained in accordance with the E/CS. The database contents shall at a minimum include the relevant site information, outlined in the E/CS. The revised E/CS should provide for the inclusion of the following information: facility name (dba), address, city, zip code, mailing address (if different), location reference (such as, GIS coordinates, cross streets, etc.) facility contact and phone number, SIC Code(s), State WDID No.(if any), APN, and site size. An electronic copy or update of the database, in a format acceptable to the Executive Officer, shall be provided with each Annual Report or upon request. Linking the database to a GIS is recommended but is not required.
2. The frequency and priority of an industrial facility compliance survey or inspection will be based on the most recent facility visit as outlined in the E/CS, as revised, consistent with this Order. The revised E/CS shall prioritize industrial facilities within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of these facilities should be based on such factors as

type of industrial activities (SIC codes), materials or wastes used or stored outside, pollutant discharge potential, facility size, proximity and sensitivity of Receiving Waters, frequency of existing inspections, based upon other California statutes or regulations, or local regulations, ordinances, or codes, and any other relevant factors. At a minimum, a high priority classification shall be assigned to: facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and facilities with a high potential for or history of unauthorized, non-storm water discharges.

3. Once the inventory required by Subsection B.1, above, has been completed and the industrial facilities have been prioritized, consistent with Subsection B.2, above, the Co-Permittees are to determine the frequency with which the inventoried facilities are surveyed or inspected. Unless inspected more frequently pursuant to the existing programs, those industrial facilities given a high priority are to be inspected at least once a year, those industrial facilities given a medium priority are to be inspected at least once biannually, and those industrial facilities given a low priority are to be inspected at least once during the term of this Order. In the event that the industrial facility is found to be in violation of the Co-Permittee's Storm Water Ordinances the frequency of inspection shall be increased consistent with a compliance schedule determined appropriate by the Co-Permittee and as outlined in the revised E/CS to cause said facility to be brought into compliance.
4. Industrial facility compliance surveys and inspections shall at a minimum address the following, as outlined in the E/CS:
  - a. Check for submittal of a NOI to comply with the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board to an industrial facility within the Permit Area;
  - b. Confirm compliance with the Co-Permittee's Storm Water Ordinance;
  - c. Check for active non-storm water discharges, potential illicit connections, and illegal discharges to the MS4;
  - d. Potential for discharge of pollutants in Urban Runoff from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas;
  - e. Implementation and maintenance of appropriate BMPs for industrial facilities.
5. Each Co-Permittee shall continue to enforce its ordinances, including its Storm Water Ordinance, resolutions and codes at industrial facilities as necessary to maintain compliance with this Order. Sanctions for non-compliance may include: verbal or written warnings, notice of violation or non-compliance,



obtaining an administrative compliance, stop work, or cease and desist order, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor).

6. Within twenty-four (24) hours, each Co-Permittee shall continue to provide oral or e-mail notification to the Regional Board of facilities within its jurisdiction it perceives to be an illicit connection, illegal discharge, or that is determined to be an Emergency Situation. Following oral or e-mail notification, a written report must be submitted to Regional Board Staff within ten (10) calendar days of the Co-Permittee's receipt of notice of the Emergency Situation, detailing the nature of the Emergency Situation, corrective actions taken by the facility owner, other relevant information (e.g., past history of non-compliance with the Co-Permittee's Storm Water Ordinance, environmental damage resulting from the Emergency Situation, facility owner responsiveness) and the type of enforcement, consistent with Table 4 of the E/CS, that has been or will be carried out by the Co-Permittee. Further, incidences of non-compliance shall be recorded, along with the information noted in the written report and the final outcome/enforcement for the incident shall be included in the database identified in Subsection B.1, above.
7. If a Co-Permittee receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the General Industrial Activity Storm Water Permit or other permit issued by the State or Regional Board to an industrial facility, the Co-Permittee shall, within two (2) working days, provide written notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describing the nature of the incident.
8. Upon referral of an industrial facility to Regional Board staff for failure to obtain coverage under the General Industrial Activities Storm Water Permit, failure to keep a SWPPP at the industrial facility, or an observed act or omission that suggests failure to comply with either, the Co-Permittee will take no further action at the industrial facility with regard to securing compliance with the General Industrial Activities Storm Water Permit. It is understood by the Co-Permittees and Regional Board staff that this will preclude duplication of effort and insure that consistent direction is provided to the facility owner/manager as to what is required to bring the facility into compliance with the General Industrial Activities Storm Water Permit. Each Co-Permittee shall take appropriate actions to bring an industrial facility into compliance with its local ordinances, rules, regulations, and WQMP, when approved.
9. The number of compliance surveys/inspections and the actions taken shall be documented by the Co-Permittees and an appropriate summary of said actions shall be provided to the Principal Permittee for inclusion in the Annual Report submitted to the Regional Board.

10. As described in the E/CS, the Co-Permittees shall provide training to staff that are involved in conducting compliance surveys/inspections of industrial facilities. Staff training will address the requirements of the following:
  - a. The Storm Water Ordinance
  - b. This Order and the DAMP
  - c. The General Industrial Activities Storm Water Permit and any other permit issued to industrial facilities within the Permit Area by the State or Regional Board; and
  - d. The E/CS.
11. Each Co-Permittee's staff assigned to conduct the industrial facilities compliance surveys/inspections will also receive training regarding pollution prevention plans and implementation of appropriate BMPs for industrial facilities. Training programs should be coordinated with Regional Board staff and prior notification of formal classroom training activities shall be provided to the Regional Board staff.
12. Each Co-Permittee shall have arranged for adequate training of its staff assigned to conduct the industrial facilities compliance surveys/inspections within eighteen (18) months of this Order's adoption, and on an annual basis thereafter. New hires or transfers that will be performing the industrial facilities compliance surveys/inspections for a Co-Permittee will be trained within six (6) months of starting field duties.
13. The Permittees need not inspect Industrial facilities already inspected by Regional Board staff if the inspection of said site, given its prioritization consistent with the E/CS, was concluded within the time frame specified for said site's prioritization. To facilitate this, Regional Board staff will post a list of facilities inspected on the website or make this information available to the Co-Permittees by other pre-arranged means.

### C. Commercial Facilities

Within eighteen (18) months of this Order's adoption, the Permittees shall review the E/CS to reflect the following:

1. Those Co-Permittees that presently have an existing compliance survey/inspection program for commercial facilities (the cities of Corona and Riverside as to their respective POTW pre-treatment inspections and the County through the CAP) shall develop within eighteen (18) months of this Order's adoption, an inventory of the commercial facilities that are surveyed or inspected pursuant to the existing program. The inventory will be updated on a routine basis from such information as conditional use permits, plot plans, building permits, business licenses, occupancy permits, hazardous materials permits, and hazardous waste generator permits are approved for development of a new commercial facility, additional commercial facilities are identified through the CAP and compliance surveys and inspections are completed and new commercial facilities are identified. Each Co-Permittee without a commercial facility inspection program shall include in its inventory of commercial facilities information from the CAP (including automobile mechanical repair, maintenance, fueling, or cleaning; automobile and other vehicle body repair or painting; painting and coating; pool, lake and fountain cleaning (base of operations)) that is relevant to its jurisdiction and may include information derived from other agencies providing services within its jurisdiction, including, but not limited to, the POTW. This inventory shall be maintained in a computer database system. The revised E/CS should provide for the inclusion of the following information: facility name (dba), address, city, zip code, mailing address (if different), location reference (GIS coordinates, cross streets, APN, etc.) facility contact and phone number, SIC code(s), and site size. An electronic copy or update of the database, in a format acceptable to the Executive Officer, shall be provided with each Annual Report or upon request. Linking the database to a GIS is recommended but is not required.
2. In addition, each Permittee shall develop within twenty-four (24) months of this Order's adoption, an inventory of the commercial facilities/companies listed below within its jurisdiction:
  - a. Mobile automobile or other vehicle washing (base of operations);
  - b. Mobile carpet, drape or furniture cleaning (base of operations);
  - c. Mobile high pressure or steam cleaning (base of operations);
  - d. Nurseries and greenhouses;
  - e. Landscape and hardscape installation (base of operations); and,
  - f. Other commercial sites/sources that the Permittee determines may contribute a significant pollutant load to the MS4.

3. Within twelve (12) months of this Order's adoption, the CAP will be revised to cause compliance surveys/inspections of restaurants within Riverside County that, at a minimum, include the following:
  - a. Oil and grease disposal to verify that these wastes are not discharged onto a parking lot, street or adjacent catch basin;
  - b. Trash bin areas to verify that these areas are clean, the bin lids are closed, the bins are not filled with liquid, and the bins have not been washed out into the MS4;
  - c. Parking lot, alley, sidewalk and street areas to verify that floor mats, filters and garbage containers are not washed in those areas and that no wash water is discharged to MS4s from those areas; and,
  - d. Parking lot areas to verify that they are cleaned by sweeping, not by hosing down, and that the facility operator uses dry methods for spill cleanup.
4. The revised E/CS shall prioritize commercial facilities within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of these facilities should be based on such factors as type of commercial activities (SIC codes), materials or wastes used or stored outside, pollutant discharge potential, facility size, proximity and sensitivity of Receiving Waters, frequency of existing inspections, based upon other California statutes or regulations, or local regulations, ordinances, or codes, and any other relevant factors. At a minimum, a high priority classification shall be assigned to facilities with a high potential for or history of unauthorized, non-storm water discharges.
5. Once the inventory required by Subsection C.1, above, has been completed and the commercial facilities have been prioritized, consistent with Subsection C.4, above, the Co-Permittees are to determine the frequency with which the inventoried facilities are surveyed or inspected, pursuant to existing programs. Unless inspected more frequently pursuant to the existing programs, those commercial facilities given a high priority are to be inspected at least once a year, those commercial facilities given a medium priority are to be inspected at least once biannually, and those commercial facilities given a low priority are to be inspected at least once during the term of this Order. In the event that the commercial facility is found to be in violation of the Co-Permittee's Storm Water Ordinances the frequency of inspection shall be increased consistent with a compliance schedule determined appropriate by the Co-Permittee and as outlined in the revised E/CS to cause said facility to be brought into compliance.
6. The commercial facility compliance survey/inspection shall, at a minimum, address the following, consistent with the E/CS:
  - a. Commercial activity type(s) and SIC code(s);

- b. Compliance with each Co-Permittee's Storm Water Ordinances; If applicable, check for submittal of a NOI to comply with the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board; and,
  - c. The E/CS.
7. The Permittees will expand its existing public educational program to include a concentrated, business-specific element. This expanded education element will be described in detail in the WQMP and the DAMP. This education program will include criteria to provide the commercial facility owner and/or operator with information to encourage compliance with the Co-Permittees' Storm Water Ordinances and the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board, if applicable. If the commercial facility is found to need coverage under the General Industrial Activities Storm Water Permit or other permit issued by the State or Regional Board, information will be provided and the Regional Board will be notified.
  8. Each Co-Permittee shall enforce its Storm Water Ordinance prohibiting non-exempt non-storm water discharges at commercial facilities. Sanctions for non-compliance may include: verbal and/or written warnings, notice of violation or non-compliance, obtaining an administrative compliance, stop work, or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor).
  9. The number of compliance surveys/inspections and the actions taken shall be documented by the Co-Permittees and an appropriate summary of said actions will be provided to the Principal Permittee for inclusion in the Annual Report submitted to the Regional Board.
  10. Within twenty-four (24) hours of receipt of notice by its staff or from a third party, each Co-Permittee shall continue to provide oral or e-mail notification to the Regional Board of facilities within its jurisdiction that it perceives to have an illicit connection, illegal discharge, or that is determined to be an Emergency Situation. Following oral or e-mail notification, a written report must be submitted to Regional Board Staff within ten (10) calendar days of the Co-Permittee's receipt of notice of the Emergency Situation. All written reports shall detail the nature of the Emergency Situation, identify corrective actions taken by the facility owner, and note other relevant information (e.g., past history of non-compliance, environmental damage resulting from the Emergency Situation, facility owner or manager's responsiveness) and the type of enforcement, consistent with Table 4 of the E/CS, that has been or will be carried out by the Co-Permittee. Further, incidences of non-compliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident will be included in the database identified in Subsection C.1, above.

11. If a Co-Permittee discovers, or receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the General Industrial Activity Storm Water Permit, if applicable to the commercial facility, or other permit issued by the State or Regional Board to a commercial facility, the Co-Permittee shall, within two (2) working days, provide written notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describing the nature of the incident.
12. Not all commercial facilities are required to obtain coverage under the General Industrial Activities Storm Water Permit. However, if required to obtain coverage and upon referral of a commercial facility to Regional Board staff for failure to obtain coverage under the General Industrial Activities Storm Water Permit, failure to keep a SWPPP at the commercial facility, or an observed act or omission that suggests failure to comply with the General Industrial Activities Storm Water Permit, the Co-Permittee will take no further action at the commercial facility with regard to securing compliance with the General Industrial Activities Storm Water Permit. It is understood by the Co-Permittees and Regional Board staff that this will preclude duplication of effort and insure that consistent direction is provided to the facility owner/manager as to what is required to bring the facility into compliance with the General Industrial Activities Storm Water Permit. Each Co-Permittee shall take appropriate actions to bring a commercial facility into compliance with its local ordinances, rules, regulations, and WQMP, when approved.
13. As described in the E/CS, Co-Permittees will provide training to staff that is involved in the compliance surveys/inspections of commercial facilities. Staff training will address the requirements of the following:
  - a. The Storm Water Ordinance;
  - b. This Order and the DAMP;
  - c. The General Industrial Activities Storm Water Permits and any other permit issued to a commercial facility within the Permit Area by the State or Regional Board;
  - d. The E/CS;
  - e. Pollution prevention plans; and,
  - f. Implementation and maintenance of appropriate BMPs for commercial sites.
14. Training programs should be coordinated with Regional Board staff and prior notification of formal classroom training activities shall be provided to Regional Board staff.
15. Each Co-Permittee shall have arranged for adequate training of its current municipal staff assigned to conduct the commercial facility compliance

survey/inspection within eighteen (18) months of this Order's adoption, and on an annual basis thereafter. New hires or transfers that will be performing the commercial facilities compliance surveys/inspections for a Co-Permittees will be trained within six (6) months of starting field duties.

## **X. EDUCATION AND OUTREACH**

- A. The Urban Runoff regulations require public participation in the Urban Runoff management program development and implementation. As such the Permittees shall solicit and consider comments received from the public and submit copies of the comments to the Executive Officer with the Annual Reports due on November 30<sup>th</sup>, beginning with the report due on November 30, 2003. In response to the public comments, the Permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.
- B. The Permittees shall continue to participate in a joint outreach with other programs including, but not limited to, the California Urban Runoff Quality Task Force, Caltrans, and other Urban Runoff programs to disseminate a consistent message on Urban Runoff pollution prevention to the public. The Permittees shall continue to sponsor or staff an Urban Runoff table or booth at community, regional, and/or countywide events to distribute public education materials to the public. Each Permittee shall sponsor at least one event per year that provides a venue for Urban Runoff education outreach.
- C. Within six (6) months of this Order's adoption, the Permittees shall establish a Public Education Committee to provide oversight and guidance for the implementation of the public education program. The Public Education Committee shall meet at least twice per year. The Public Education Committee shall make recommendations for changes to the public and business education program. The goal of the public and business education program shall be to target 100% within the Permit Area of the residents, including businesses, commercial and industrial establishments and to measurably increase the awareness of Urban Runoff quality of the targeted groups. Through use of local print, radio and television, the Permittees must ensure that the public and business education program makes a minimum of 5 million "impressions" per year (as defined in Appendix 4, Glossary).
- D. Within twelve (12) months of formation, the Public Education Committee shall conduct an evaluation to determine the best method of establishing a procedure(s) for providing educational and General Industrial Activities Storm Water Permit compliance guidance materials to businesses within their jurisdiction. This procedure(s) for distributing educational materials to businesses shall be implemented within six (6) months after conducting said evaluation.
- E. The Permittees shall continue to implement the public education efforts already underway and shall implement the most effective elements of the public and business education strategy contained in the Storm Water/Clean Water Protection Program. Within eighteen (18) months of formation, the Public Education Committee shall propose a survey for measuring changes in awareness of Urban Runoff quality as a result of the education program. The findings of this survey will provide information for

the development of a future Public Education action plan. Upon approval by the Executive Officer, the study shall be completed by the end of the permit cycle.

- F. Within twelve (12) months of this Order's adoption, the Public Education Committee shall develop BMP guidance for restaurants, automotive service centers, and gasoline service stations, and the discharges listed in Section II.C. of this Order, where appropriate, for the Co-Permittees to distribute to these facilities.
- G. Within twelve (12) months of this Order's adoption, the Permittees shall develop public education materials to encourage the public to report (including a hotline line number to report) illegal dumping from residential, industrial, construction and commercial sites into public streets, storm drains and other waterbodies, clogged storm drains, faded or missing catch basin stencils and general Urban Runoff and BMP information. This hotline and website shall continue to be included in the public and business education program and shall be submitted for listing in the governmental pages of all major regional phone books.
- H. Within eighteen (18) months of this Order's adoption, the Permittees shall develop BMP guidance for the household use of fertilizers, pesticides, and other chemicals, mobile vehicle maintenance, carpet cleaners, commercial landscape maintenance, and pavement cutting. Additionally, BMP guidance shall be developed for categories of discharges listed in Section II.C, identified to be significant sources of pollutants unless appropriate BMPs are implemented. These guidance documents shall be distributed to the public, trade associations, etc., through participation in community events, trade association meetings, and/or mail.

## **XI. MUNICIPAL FACILITIES PROGRAMS AND ACTIVITIES**

- A. Successful implementation of the provisions and limitations in this Order will require the cooperation of all the public agency organizations within Riverside County having programs/activities that have an impact on Urban Runoff quality. This may include, but not limited to, those listed in Appendix 2. As such, these organizations are expected to actively participate in implementing this area-wide Urban Runoff program. The Permittees shall be responsible for involving the public agency organizations in their Urban Runoff program.
- B. Within eighteen (18) months of this Order's adoption, the Permittees, in coordination with the Riverside County Fire Chiefs Association, or equivalent organization, shall develop a list of appropriate BMPs to be implemented to reduce pollutants from fire training activities, fire hydrant/sprinkler testing or flushing, and BMPs feasible for emergency fire fighting flows.
- C. Each Permittee shall continue to implement the recommendations in the Municipal Facilities Strategy to ensure that public agency facilities and activities do not cause or contribute to a pollution or nuisance in Receiving Waters, as defined in Section 13050 of the Water Code. By August 1 of each year, the Permittees shall review their activities and facilities to determine the need for revisions to the Municipal Facilities Strategy. The Annual Report shall include the findings of this review and a schedule



- for needed revisions. Revisions should consider a pollution prevention strategy to ensure that the public agency facilities and/or activities including those that are currently not required to obtain coverage under the State's General Urban Runoff Permits or the San Jacinto Watershed Construction Activities Permit are not sources of pollutants into the Waters of the U. S. In addition, the Permittees shall evaluate the applicability of the Municipal Facilities Strategy to municipal maintenance contracts, contracts for field maintenance operations, and leases.
- D. Within six (6) months of adoption of this Order, the Permittees shall evaluate their established criteria for inspections of the MS4s and establish criteria for regular maintenance thereof.
- E. Within twenty (20) months of this Order's adoption, the Permittees shall complete an assessment of their MS4s to evaluate opportunities to configure and/or to reconfigure channel segments to function as pollution control devices and to optimize beneficial uses. These modifications may include in-channel sediment basins, bank stabilization, water treatment wetlands, etc. This shall be reported in the 2004-2005 Annual Report.
- F. Within twelve (12) months of this Order's adoption, the Permittees shall develop and distribute model maintenance procedures for public agency activities and MS4s such as street sweeping, catch basin stenciling, MS4 inspection, "cleaning" (see definition in Appendix 4), and maintenance. This shall be included in the 2004-2005 Annual Report.
- G. Within twelve (12) months of this Order's adoption, the Permittees shall review, document, and submit for approval by the Executive Officer, their program for cleaning out open channel MS4s, catch basins, retention/detention basins, and wetlands created for Urban Runoff treatment, prioritized on such factors as distance to Receiving Water, Receiving Water beneficial uses and impairments of beneficial uses, historical pollutant types and loads from past inspections/cleanings, regulatory restrictions, cost/benefit, and the presence of downstream regional facilities that would remove the types of pollutants found in the drainage facilities. Using these factors, the Permittees shall propose revised clean out schedules and frequency for the specified MS4s during the wet and dry season to protect Receiving Water quality to the MEP. The Permittees should be prepared to implement the approved clean out program within twenty-four (24) months of this Order's adoption. The inspection and maintenance frequency for all portions of the MS4s shall be evaluated annually to determine the need for increasing the inspection and maintenance frequency. This information shall initially be included in the 2003-2004 Annual Report.
- H. If by November 1, 2004, the Permittees have not developed revised clean out schedules and frequencies, required in Subsection G, above, and/or the revised schedules and frequencies have not been approved by the Executive Officer, then each Permittee shall expand existing programs to inspect, clean, and maintain at least 80% of its open channel MS4s, catch basins, retention/detention basins, and wetlands created for Urban Runoff treatment on an annual basis, with 100% of the facilities included in a two-year period, using the model maintenance procedures developed by the Permittees in Subsection F, above. Each Permittee shall clean those open channel

MS4s and retention/detention basins where there is evidence of illegal discharge. In addition, each Permittee shall clean those retention/detention basins where the inspection reveals that the sediment/storage volume is about 25% full or if accumulated sediment or debris impairs the hydraulic capacity of the facility.

- I. Contractor training requirements for Urban Runoff management shall be included in new contracts and contracts that come up for renewal. This shall be reported in the 2002-2003 Annual Report.
- J. Within eighteen (18) months of this Order's adoption, the Principal Permittee shall develop and distribute BMP guidance for public agency and contract field operations and maintenance staff to provide guidance in appropriate pollution control measures, how to respond to spills and reports of illegal discharges, etc. This shall be reported in the 2004-2005 Annual Report.
- K. At least on an annual basis, each Permittee shall provide training to the public agency staff and to contract field operations staff on fertilizer and pesticide management, model maintenance procedures, and other pollution control measures. Permittee staff responsible for application of fertilizer or pesticides shall attend at least three of these training sessions during the five-year term of this Order (from 2002 to 2007).
- L. Each Permittee shall identify areas that are not subject to street sweeping due to lack of continuous curb and gutter, and evaluate their potential for impacting Urban Runoff quality. Appropriate BMPs shall be implemented where significant water quality impact is identified associated with lack of street sweeping. This shall be reported in the 2003-2004 Annual Report.
- M. Each Permittee shall annually evaluate their street/road sweeping frequency based on land use and historical information to determine the need to revise their sweeping frequency. This information shall be provided in the Annual Report beginning with the 2003-2004 Annual Report.
- N. The Permittees shall maintain an updated site-specific Urban Runoff pollution prevention plan for their facilities and activities.

The San Bernardino County Flood Control District and RCFC&WCD, in cooperation with local municipalities, are coordinating an effort to construct flood control facilities in the Chino-Corona Agricultural Preserve area. A status report of this project shall be provided in the Annual Report.

## **XII. MUNICIPAL CONSTRUCTION PROJECTS/ACTIVITIES**

- A. All municipal construction activity shall be in compliance with the latest version of the applicable Construction Activity Permit.
- B. This Order authorizes the discharge of storm water runoff from construction projects that may result in land disturbance consistent with the acreage criteria of the current General Construction Activity Storm Water Permit.

- C. By March 10, 2003, or as specified in the latest version of the General Construction Activity Storm Water Permit, the Permittees shall comply with the requirements for municipal construction projects that may result in land disturbance consistent with the acreage criteria of the current Construction Activity Permits.
- D. Prior to commencement of construction activities, the Permittees shall notify the Executive Officer of the proposed construction project by submitting a Notice of Intent (NOI) provided in Attachment 5. The submittal fees for these NOIs are waived for the Permittees. Upon completion of the construction project, the Executive Officer shall be notified of the completion of the project by submitting a Notice of Termination (NOT), provided in Attachment 5.
- E. The Permittees shall develop and implement a SWPPP and a monitoring and reporting program that is specific for the construction project prior to the commencement of construction activities. The SWPPP shall be kept at the construction site and released to the public and/or Regional Board staff upon request.
- F. The SWPPP and the monitoring and reporting program for the construction projects shall be consistent with the requirements of the latest version of the Construction Activity Permits, as applicable for the size and location of the site. If the site is within the San Jacinto Watershed then the terms and conditions of the San Jacinto Watershed Construction Activities Permit apply, except with respect to submittal of a fee with the NOI and the requirement for this Regional Board to review and approve the site specific SWPPP. The applicable Permittee shall review and approve the SWPPP prepared by their contractor to insure the SWPPP substantially complies with the San Jacinto Watershed Construction Activities Permit. Upon request, the applicable Permittee shall submit a copy of the approved SWPPP.
- G. The Permittees shall give advance notice to the Executive Officer of planned changes in the construction activity, which may result in non-compliance with the latest version of the Construction Activity Permits, as applicable.
- H. Emergency public works projects required to protect public health and safety are exempted from compliance with the SWPPP requirements of subsection E, and the requirements of subsections F and G, above.

### **XIII. PROGRAM MANAGEMENT/DAMP REVIEW**

- A. The Permittees shall continue to implement all elements of the approved DAMP. Program elements revised in compliance with the requirements of this Order shall be implemented in conformance with the schedules specified in this Order following approval of the Executive Officer. Within six (6) months of approval of the WQMP by the Executive Officer, or no later than January 1, 2005, whichever comes first, the Permittees shall submit a revised DAMP incorporating the revised program elements and other information as specified by this Order for approval by the Executive Officer. The Permittees shall implement all elements of the approved DAMP.

- B. By August 1 of each year, beginning in 2004, the Permittees shall evaluate the DAMP to determine the need for revisions. The Permittees shall modify the DAMP, as necessary, or at the direction of the Executive Officer to incorporate additional provisions. Such provisions may include regional and watershed-specific requirements and/or WLAs developed and approved pursuant to the TMDL process for Impaired Waterbodies. Proposed revisions to the DAMP shall be submitted to the Executive Officer for review and approval. Revisions to the DAMP approved by the Executive Officer shall be implemented in a timely manner. The Annual Report shall include the findings of this review and a schedule for needed revisions.
- C. At a minimum, each Annual Report shall include a progress report of:
1. The formal training and coordination meeting needs for the Co-Permittees' staff responsible for performing compliance survey/inspections or educational programs;
  2. Source identification and prioritization;
  3. Grading and erosion control for construction sites;
  4. Verification of coverage under the appropriate General Construction and Industrial Activities Permits;
  5. Facility inspection and enforcement consistent with local ordinances, rules, and regulations;
  6. Procedures for reporting to the Permittees and this Regional Board non-compliance with each Co-Permittee's Storm Water Ordinance and enhancing current planning review processes to better address issues regarding Urban Runoff;
  7. Implementation of new development BMPs, or identification of regional or sub-regional Urban Runoff treatment/infiltration BMPs in which New Development projects could participate.
- D. Each Permittee shall designate at least one representative to the Management Steering Committee and Technical Committee as described in Section I.A.2. of this Order. The Principal Permittee shall be notified immediately, in writing of changes to the designated representative to either Committee. The designated representative for each Committee shall attend that Committee's meeting as follows: at least three (3) out of four (4) Management Steering Committee meetings and eight (8) out of ten (10) Technical Committee meetings per year.

#### **XIV. MONITORING AND REPORTING PROGRAM**

The Permittees shall comply with Monitoring and Reporting Program No. R8-2002-0011, located in Appendix 3, and any revisions thereto, which are hereby made a part of this Order. The Executive Officer is hereby authorized to revise the Monitoring and Reporting Program in a manner consistent with this Order to allow the Permittees to participate in regional, statewide, national or other monitoring and reporting programs in lieu of or in

addition to Monitoring and Reporting Program No. R8-2002-0011 located in Appendix 3. In addition, significant completion and implementation dates required by this Order are outlined in Section V of the Monitoring and Reporting Program (Appendix 3).

## **XV. PROVISIONS**

### **A. GENERAL**

1. Reports submitted by the Permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Unresolved issues shall be scheduled for a public hearing at a Regional Board meeting prior to approval by the Executive Officer.
2. The purpose of this Order is to require the implementation of BMPs to reduce, to the MEP, the discharge of pollutants from MS4s in order to support further progress towards attainment of water quality objectives.
3. Permittees shall demonstrate compliance with all the requirements in this Order and shall implement their DAMP and modifications, revisions, or amendments thereto, which are developed pursuant to this Order or determined by the Permittees to be necessary to meet the requirements of this Order and approved by the Executive Officer. The DAMP and amendments thereto are hereby made an enforceable part of this Order.
4. Each Permittee shall continue to implement necessary controls, in addition to those specific controls and actions required by (1) the terms of this Order and (2) the DAMP, to reduce the discharge of pollutants in Urban Runoff to the MEP.
5. The Permittees shall complete changes to plans or programs described in this Order no later than twelve (12) months after this Order goes into effect, unless otherwise specified.
6. Certain BMPs implemented or required by the Permittees for Urban Runoff management may create habitat for vectors (e.g., mosquitoes and rodents) if not properly designed and maintained. Close collaboration and cooperative effort between the Permittees and local vector control agencies and the State Department of Health Services during the development and implementation of Urban Runoff management programs are necessary to minimize potential vector habitat and public health impacts resulting from vector breeding. Nothing in this Order is intended to prohibit inspection or abatement of vectors by the State or local vector control agencies in accordance with the Health and Safety Code of the State of California.
7. The Permittees shall report to the Executive Officer:

- a. Any enforcement actions and known discharges of Urban Runoff or wastewater to facilities owned or operated by the Permittees which may impair domestic water supply sources (e.g., discharges due to a levee break, illegal discharges to the street, etc.) or which may have an impact on human health or the environment; if the discharge is to Canyon Lake or any tributary to Canyon Lake, Elsinore Valley Municipal Water District shall also be notified immediately;
  - b. Industrial and/or construction facilities found not to be in compliance with the Construction Activity Permits, or where the activities may be contributing pollutants to the Waters of the U. S.; and,
  - c. Suspected or reported activities on federal, state, or other entity's land or facilities, where the Permittees do not have any jurisdiction, and where the suspected or reported activities may be contributing pollutants to the Waters of the U. S.
8. The Permittees shall coordinate their activities to promote consistent implementation of Urban Runoff regulations.
9. The permit application and special NPDES program requirements contained in 40 CFR 122.21 (a), (b), (d) (2), (f), and (p), 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l); and 122.42 (c) are incorporated into this Order by reference.
10. The Permittees must comply with all terms, requirements, and conditions of this Order. Any violation of this Order constitutes a violation of the CWA, its regulations and the Water Code, and is grounds for enforcement action, Order termination, Order revocation and re-issuance, denial of an application for re-issuance, Order revisions, or a combination thereof.
11. Permittees shall continue to take reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
12. Regional Board staff, USEPA, and other authorized representatives shall be allowed to:
  - a. Inspect Permittee records associated with compliance of this Order.
  - b. Access to and copying of records that are kept under the conditions of this Order.
  - c. Photograph and inspect any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge or authorized non-storm water discharge.

- d. Conduct sampling, and monitoring activities for the purpose of assuring compliance with this Order, or as otherwise authorized by the CWA and/or the Water Code.
- e. Review the Permittee's programs and require modification to their programs to comply with the requirements of this Order.
- f. Request copies of data, monitoring reports, and sampling data and copies of the Permittee's conclusions and evaluations of the data.

#### B. FISCAL RESOURCES

The Permittees shall prepare and submit a unified fiscal analysis report appropriate for implementation of the requirements of this Order to the Executive Officer. The fiscal analysis report shall be submitted no later than November 30, of each year and shall at a minimum include the following:

1. Each Permittee's expenditures for the previous fiscal year;
2. Each Permittee's budget for the current fiscal year;
3. A description of the source of funds;

### XVI. PERMIT EXPIRATION AND RENEWAL

- A. This Order expires on October 26, 2007, and the Permittees must file a ROWD no later than one hundred eighty (180) calendar days in advance of such expiration date as application for issuance of new Waste Discharge Requirements. The ROWD shall, at a minimum, include the following:
  1. Any revisions to the DAMP including, but not limited to, activities the Permittees propose to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, proposed pilot studies, etc.;
  2. Any new or revised program elements and compliance schedule(s) necessary to comply with Section III of this Order.
  3. Changes in land use and/or population including map updates; and
  4. Significant changes to the MS4s, outfalls, detention or retention basins or dams, and other controls, including map updates of the MS4s.
- B. This Order may be modified, revoked or reissued prior to its expiration date for the following reasons:

1. To address significant changes in conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this Order;
  2. To incorporate applicable requirements of statewide water quality control plans and policies adopted by the State Board or amendments to the Basin Plan approved by the Regional Board, the State Board, and, if necessary, by the Office of Administrative Law; or
  3. To comply with applicable requirements, guidelines, or regulations issued or approved under the CWA, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this Order.
  4. To incorporate new or revised program elements and compliance schedule(s) necessary to comply with this Order.
  5. To incorporate any requirements imposed upon the Permittees through the TMDL process.
  6. Pursuant to Section 13228 of the Water Code, this Regional Board may exercise its option allowing the recently annexed 375 acres to the City of Murrieta that are located within the Region to be regulated by the San Diego Regional Water Quality Control Board's Riverside MS4 Permit once it has been renewed.
- C. This Order shall serve as a NPDES permit pursuant to Section 402 (p) of the CWA, or amendments thereto, and shall become effective ten (10) calendar days after the date of its adoption provided the Regional Administrator of the USEPA has no objections. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
- D. Order No. 96-30 is hereby rescinded.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on **October 25, 2002**.

  
\_\_\_\_\_  
Gerard J. Thibeault  
Executive Officer



# **APPENDIX 1**

## **Permit Area**

**ORDER NO. R8-2002-0011**

# **APPENDIX 2**

## **OTHER ENTITIES THAT MAY DISCHARGE POLLUTANTS TO MS4s**

**ORDER NO. R8-2002-0011**

# **APPENDIX 3**

## **MONITORING AND REPORTING PROGRAM**

### **ORDER NO. R8-2002-0011**

# **APPENDIX 4**

## **GLOSSARY**

**ORDER NO. R8-2002-0011**

## **APPENDIX 5**

### **NOTICE OF INTENT AND NOTICE OF TERMINATION**

**ORDER NO. R8-2002-0011**